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T E X T - B O O K
OF
ECCLESIASTICAL HISTORY.

BY
J. C. I. GIESELER,

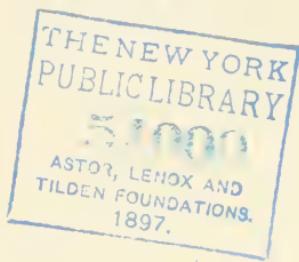
DOCTOR OF PHILOSOPHY AND THEOLOGY, AND PROFESSOR
OF THEOLOGY IN GOTTINGEN.

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C A M B R I D G E A P R E S S :
M E T C A L F , T O R R Y , A N D B A L L O U .

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FOURTH DIVISION.

FROM THE REMOVAL OF THE PAPAL RESIDENCE TO AVIGNON, TILL THE COUNCIL OF PISA.

A. D. 1305 — 1409.

CHIEF SOURCES.

Albertinus Mussatus, Poet Laureat and Statesman at Padua († A. D. 1330). *Historia Augusta s. de gestis Henrici VII.* libb. XVI. *De gestis Italicorum post mortem Henrici VII.* libb. VIII. to A. D. 1317. *Ludovicus Bavarus*, imperfect, all contained in *Muratori Rerum Ital. Scriptt.* T. X. and in *Grævii et Burmanni Thes. Italiae*, T. VI. P. II.). — *Giovanni Villani*, Statesman in Florence, *Historie Fiorentine*, libb. XII. to A. D. 1348, in *Muratori*, T. XIII. continued in XI. libb. by his brother *Matteo Villani*, to A. D. 1363, and from lib. XI. c. 61, by his son *Filippo Villani*, to 1364, see *Muratori*, T. XIV. — *Joannes de Winterthur* or *Vitoduranus*, a Franciscan (*Chronicon from Innocent III.* to A. D. 1348, in *Eccardi corp. Scriptorum med. ævi*, T. I.; better in the *Thesaurus historiæ Helveticæ*, Tiguri. 1735. fol. p. 1 seq.). — *M. Albertus Argentinensis* (*Chronicon from 1273 – 1378*, in *Ursitissi German. Historicorum*, T. II. p. 95 seq.). — *Jacob Zwinger v. Königshoven*, a priest of Strasburg († 1420). *Elsassische Chronik*, in German, to 1386 (1415) with remarks by *Joh. Schilter*. Strasburg. 1698. 4to. Comp. the *Diss. Jac. Twingerum Regiovillanum solemni eruditorum examini subjicit S. F. Hollænder. Argent.* 1789). — *Gobelinus Persona*, Decan in Bielefeld (*Cosmodromium to A. D. 1418*, divided into six ætates, from æt. vi. c. 69, or from A. D. 1347 particularly valuable, in *H. Meibomii Rerum Germanicarum*, T. I. p. 53 seq.).

CHAPTER FIRST.

HISTORY OF PAPACY.

SOURCES: The old lives of the Popes: *Vitæ Paparum Aveniosium ed. St. Balu-zius*, Tomi II. Paris. 1693. 4to. The lives of all the Popes of this period scattered in *Muratori Scriptt. Rer. Ital.* T. III. P. I. and II. Also: *Theodorici de Niem* (*literarum Apostolicarum Abbreviatoris*) *vitæ Pontiff. Rom.* (from A. D. 1288 – 1418) additis Imperatorum gestis (in *Eccardi Corpus hist. medii ævi*, T. I. p. 1461 seq.).

I. POLITICAL HISTORY OF THE POPES DURING THEIR RESIDENCE IN AVIGNON, TO THE SCHISM A. D. 1378.

§ 95.

CLEMENT V. (June 5, 1305 — April 20, 1314).

CLEMENT V. remained in France, and taking up his residence in Avignon (A. D. 1309), brought the political power of the popes into an ambiguous position, exceedingly detrimental to its true dignity. For, whilst towards other powers they were more assuming than ever, insisting, with a presumption increased by their security, on their right of universal monarchy, in France not only was this principle rejected, but in all their acts the popes were so dependent on the influence of the court that they dared resist it only by stealth.

Clement¹ was forced formally to retract the presumptuous assertions of his predecessor, Boniface VIII., in his contest with France (A. D. 1306),² and even to institute an inquiry into the conduct of

¹ *Giov. Villani hist. Fiorent.* VIII. c. 80 (in Muratori XIII. p. 418), makes king Philip impose on Clement, at his accession to the papal chair, the following conditions: Le sei spetiali gracie, ch'io voglio da te, sono queste. La prima, che tu mi riconcili perfettamente colla Chiesa, e facciani perdonare il misfatto, ch'io commissi per la presura di Papa Bonifatio. La seconda di riconmunicare me, e miei seguaci. La terza, che mi concedi tutte le decime per 5 anni del mio Reame, per ajuto alle spese fatte alla guerra di Fiandra. La quarta, che tu mi prometti di disfare e annullare la memoria di Papa Bonifatio. La quinta, che tu renda l'onore del Cardinalato a Messier Jacopo, e. Messer Piero della Colonna (see § 59, note 15) e rimetteralli in stato, e facci con loro insieme certi miei amici Cardinali. La sesta gratia e promessa mi riserbo a luogo e a tempo, ch'è secreta e grande. He states that Clement promised all this, per sacramento in sul *Corpus Domini*.

² Clementin. lib. III. Tit. 17: Quoniam ex constitutione Bonifacii P. VIII. prædecessoris nostri, quæ incipit *Clericis laicos*, et ex declaracione, seu declaracionibus (see Div. III. § 59, notes 6 and 9) ex illa postmodum subsequitis nonnulla scandala, magna pericula, et incommoda gravia sunt sequuta, et ampliora sequi, nisi celeri remedio succurratur, præsumitur verisimiliter in futurum; nos de consilio fratrum nostrorum constitutionem, et declaracionem, seu declaraciones predicitas, et quidquid ex eis sequutum est vel ob eas, penitus revocamus, et eas haberi volumus pro infectis, volentes et firmiter statuentes, illud contra quosecumque laicos, exigentes seu extorquentes ab ecclesiis ecclesiasticisque personis tallias seu collectas, — inviolabiliter observari, quod super his a prædecessoribus nostris in Lateranensi, et generali concilis (see § 63, notes 11 and 12) — salubriter est provisum. *Extravagant. Commun.* lib. V. Tit. 7, c. 2: Meruit carissimi filii nostri Philippi, regis Francorum illustris, sincera affectionis ad nos et ecclesiam Romanam integritas, et progenitorum suorum præclaræ merita meruerunt, meruit insuper regnicolarum puritas ac devotionis sinceritas, ut tam regem quam regnum favore benevolo prosequamur. Hinc est, quod nos regi et regno per definitionem et declaracionem bona memoria Bonifacii P. VIII. prædecessoris nostri, quæ incipit *Unam sanctam* (see § 59, note 26), nullum volumus vel intendimus præjudicium generari. Nec quod per illam rex, regnum, et regnicolæ prælibati amplius ecclesiæ sint subjecti Ronanæ, quam antea existebant; sed omnia intelligentur in eodein esse statu, quo erant ante definitionem præfatain, tam quantum ad ecclesiam, quam etiam ad regem, regnum et regnicolas superius nominatos. According to the contemporary Bernardus Guido (*Quarta vita Clementis V. in Baluzii Vitæ PP. Aven. I. p. 64*) both Bulls are dated February 11, 1306. The Bull *Unam sanctam* was not, however, made void; on the contrary, it was just at this time that *Johannes Monachus* wrote his Gloss upon it, in which he defends all its assertions, and

that pontiff, that must deeply have wounded the papal pride.³ After this, Philip the Fair began the persecution of the Templars, with an utter disregard of all ecclesiastical laws (October 13, 1307); whilst Clement not only forgave the trespass, but joined in the persecution.⁴

comments upon them. See also *Alvarus Pelagius de planctu eccl.* 1, c. 60, below, § 96, note 15.

³ Comp. § 59, note 37. According to *Villani* VIII. c. 91, Philip was very urgent with the Pope at their meeting in Poitiers, 1307, to fulfil his promise, ch'elli condannasse la memoria di Papa Bonifatio, e facesse ardere le sue ossa e corpo; the Pope could only extricate himself from the difficulty by promising to call a general council in Vienna for the purpose. In 1309 he was forced, however, to institute a formal investigation on the subject, at which Nogaret and Du Plessis appeared as accusers (Raynald, 1309, no. 4).

⁴ Comp. *P. Du Puy hist. de la condamnation des Templiers.* Paris, 1650. 4to., with many additions. Bruxelles, 1751. 4to. *Raynouard monumens histor. relatifs à la condamnation des chevaliers du temple et à l'abolition de leur ordre.* Paris, 1813. 8vo. *Wilcke Gesch. des Tempelherrnordeus.* Bd. 1 (Leipz. 1826), S. 234 ff. — In the year 1306 the Grand-master, James de Molay, came from Cyprus to France by invitation of the Pope, to consult concerning a new crusade (Raynald, ann. 1306, no. 12): but notwithstanding the honors with which he was received in Paris (Raynouard, p. 17), Philip had no doubt already secretly resolved on the downfall of the Order. Comp. Clementis Ep. ad Philippum dd. 24 Aug. 1306 (in *Baluzii Vitæ PP. Aven. T. II.* p. 75): Sane a memoria tua non credimus excidisse, quod Lugdini et Pietavio de facto Templariorum zelo fidei devotionis accensus nobis tam per te quam per tuos pluries locutus fuisti, et per Priorem monasterii novi de Pietavo aliqua intimari curasti. Et licet ad credendum quæ tunc dicebantur, cum quasi incredibilia et impossibilia viderentur, nostrum animum vix potuerimus applicare; quia tamen plura incredibilia et inaudita extunc audivimus de predictis, cogimur hæsitare. — Quia vero magister militiæ Templi ac multi præceptores — a nobis, nedum semel, sed pluries cum magna instantia petierunt quod nos super illis eis falso impositis, ut dicebant, vellemus inquirere veritatem; nos — diligentis inquisitionis indaginem infra paucos dies — propter hoc instanti die Veneris civitatem Pietaviensem intraturi proponimus inchoare, etc. The result of this investigation was doubtless favorable to the Templars: Philip then proceeded to more arbitrary measures. *Bernardus Guido in vita Clementis* (in *Baluz.* 1, p. 65): In festo sancti Eduardi confessoris, III. Idus Octobris, feria sexta (13 October, 1307) fuerunt capti primo Templarii ubique in regno Franciæ ex ordinatione Regis et consilii inopinatae sane, mirantibus cunctis audiendibus antiquam Templi militiam ab Ecclesia Romana nimis privilegiatam una die subito captivari, causamque ignorantibus captionis tam repentinae, exceptis paucis secretariis et juratis. Quæ causa tandem detecta fuit et publice in fama, profana, videlicet professio eorundem cum abnegatione Christi et expulsione super crucem in opprobrium crucifixi. — Demum sedes Romana, cui prius factum, incredibile videbatur, et *captionem prædictam ægre ferebat*, effecta est certior, etc. On the following day (Oct. 14) Philip assembled the doctors of the Sorbonne, to make them justify his conduct, who pronounced (*Baluz. vitæ PP. Aven. I.* p. 591), principem sacerularem non posse cognoscere de hæresi, nisi cum Episcopus ei causas istiusmodi committit judicandas, posse tamen eum in casu necessitatis, ubi imminet periculum, prehendere accusatos cum proposito reddendi Ecclesia; which plainly shows that Philip had acted arbitrarily. Still nothing is said of this in Clement's letter of November 22, 1307, in which he calls on king Edward of England to follow Philip's example (*Rymeri fœdera et acta publ. inter Reges Angliae et alios Principes ed. Clarke et Holbrooke*, vol. II. P. 1. p. 16): Sane dudum, circa promotionis nostræ principium ad apicem Apostolicæ dignitatis, ad nostrum quadam levi suggestione pervenit auditum, — quod Templarii sub religiosis pallio militantes exterius, in apostasiæ perfidia intus vixerunt hactenus in detestabili hæretica pravitate. Cæterum — suggestioni prædictæ noluimus aures credulas exhibere. Verum postea auribus carissimi in Christo filii nostri Philippi regis Franciæ illustris insonuit, quod singuli fratres dicti Ordinis in sui professione, cum ordinem ipsum ingrediuntur, expressis verbis abnegant Dominum Jesum Christum, nec non idolum adorant in suis capitulis, et alia nefanda committunt, quæ ob rubo-

And when the ambitious king proceeded further, on the death of Albrecht I. (A. D. 1308), to solicit the imperial crown for his brother

rem exprimendi subticemus ad præsens. Propter quod idem Rex ad requisitionem Inquisitoris hæreticæ pravitatis, in Regno suo generaliter a sede Apostolica deputati, — Magistrum Majorem et alias singulares personas dicti ordinis, quæ tunc erant in regno suo, una die cum magna excogitata diligentia capi fecit, Ecclesiæ judicio praesentandas. — Deinde præfatus Magister dicti Ordinis spontaneo confessus est palam, præsentibus majoribus Personis ecclesiasticis Parisiis, corruptionem erroris abnegationis Christi in fratrū professionibus — introductam. Quamplurimi etiam fratres dicti Ordinis — dicta scelerā sunt confessi, etc. In France the investigation began October 19, 1307, under the royal confessor and inquisitor, William of Paris; the prisoners were forced by the most cruel tortures to confess (Münter in Henkes Neuem Magazin f. Religionsphilosophie, &c. Bd. 5, S. 354 ff. — *Raynouard*, p. 31 seq.). Finally, quia inveniebantur circa regales examinatores extorsiones indebitæ (*Ptolemaeus Lucensis* in vita Clementis V. in *Baluz*. I. p. 30) Clement appointed in the Bull *Faciens misericordiam* dd. 12 Aug. 1308 (*Mansi* XXV. p. 424, cf. p. 369 *Rymer-Clarke*, vol. II. P. I. p. 55. *Moldenhawer* Prozess gegen den Orden der Tempelherren, S. 2 ff.), ecclesiastical tribunals of investigation for each kingdom. In this Bull he says that, not only had it been confessed in his presence by seventy-two templars, but that the Grandmaster and five Preceptors had acknowledged before three cardinals deputed for the investigation in Chinon, inter cetera Christi abnegationem, et spuitionem super crucem, cum in ordine Templi recepti fuerunt; et quidam ex eis, se sub eadem forma, scilicet cum abnegatione Christi et spuitione super crucem, fratres multos receperisse. The Bull was accompanied by one hundred and twenty-seven articles of inquisition (see *Moldenhawer*, S. 73), which form the fullest list of the accusations against the Templars: 1. Videlicet quod quilibet in receptione sua et quandoque post — abnegabat Christum — et quandoque Deum, et quandoque b. Virginem, et quandoque omnes Sanctos et Sanctas Dei, inductus seu monitus per illos qui eum recipiebant. — 5. Item, quod dicebant et dogmatizabant receptores illis, quos recipiebant, Christum non esse verum Deum. — 6. Ipsum fuisse falsum prophetam. — 7. Item quod faciebant illos quos recipiebant spuere super crucem, — licet interdum qui recipiebant spuerent juxta. — 14. Item quod adorabant quendam catum sibi in ipsa congregatione apparentem quandoque. — 16. Item quod non credebant sacramentum altaris. 20. Item quod Sacerdotes Ordinis verba, per quæ consecratur corpus Christi, non dicebant in canone Missæ. 23. Item quod haec receptores eorum sibi injungebant. 24. Item quod credebant, et sic dicebatur eis, quod magnus Magister a peccatis poterat eos absolvere. 25. Item, quod Visitator. 26. Item quod Praeceptores. 30. Item quod in receptione fratrū dicti Ordinis vel circa interdum recipiebant et receptus aliquando se deosculabantur in ore, in umbilico, seu in ventre nudo, et in ano seu spina dorsi. 36. Item quod receptiones ipsas clandestine faciebant. 38. Item quod propter hoc contra dictum Ordinem vehemens suspicio a longis temporibus laboravit. 40. Item quod fratribus, quos recipiebant, dicebant, quod ad invicem poterant unus cum alio commisceri carnaliter. 46. Item quod ipsi per singulas provincias habebant idola, videlicet capita, quorum aliqua habebant tres facies, et alia unam, et aliqua cranium humatum habebant. 47. Item quod illa idola vel illud idolum adorabant, et specialiter in eorum magnis capitulis et congregationibus. 53. Item quod dicebant, quod illud caput poterat eos salvare. 54. Item quod divites facere. 55. Item quod omnes divitias Ordinis dabat eis. 56. Item quod facit arbores florere. 57. Item quod terram germinare. 58. Item quod aliquod caput idolorum prædictorum eingebant seu tangebant chordulis, quibus se ipsos cingebant citra camisiam seu carnem. 65. Item quod qui nolebant prædicta in sui receptione facere vel post, interficiebantur, vel carceri mancipabantur. 97. Item quod eleemosynæ in dicto Ordine non fiebant ut debebant, nec hospitalitas servabatur. 99. Item quod iuramentum præstabatur ab eis, augmentum et questum dieti Ordinis, quibuscumque modis possent, per fas et nefas procurare. 101. Item quod clam consueverunt tenere sua capitula. The papal tribunal appointed for France conducted the investigation in Paris from the 7th of August, 1309, to the 26th of May, 1311, with great decorum (the important Acts of this tribunal, which *Raynouard*, p. 55 seq., gives in extracts, are translated in full in *Moldenhawer* Prozess gegen den

Charles of Valois, the Pope ventured to oppose him only by an unworthy cunning.⁵ And though at the council at Vienne (October 16, 1311 – May 6, 1312) he was delivered from the disgrace of condemning Boniface,⁶ he was forced, on the other hand, to sacrifice the

Orden der Tempelherrn. Hamburg. 1792. 8vo.). At the reading of the papal Bull to the Grand-master, when the passage was read in which mention is made of his confession before the cardinals, “he twice crossed himself, and showed other marks of his great astonishment at this assertion of what he had himself confessed, as well as at other things in the Pope’s letters; he broke out, ‘if the Pope’s commissioners were people to be defied, I should have something else to say. Would God, that it was with us as amongst the Turks and Saracens, who reward such plotters of mischief by cutting off their heads!’” (Protokoll b. Moldenhawer, S. 31.) Philip interfered even with this investigation, for fifty-four knights having offered themselves for the defence of the Order before the papal commissioners, he had them condemned by the provincial council in Sens, and burned in Paris, May 12, 1310 (Moldenhawer, S. 236 ff. *Raynouard*, p. 98 seq.).

⁵ Whilst he pretended to recommend Charles to the electors (see *Olen schläger* erläuterte Staatsgeschichte des röm. Kaiserthums in der ersten Hälfte des 14ten Jahrh. Frankf. a. M. 1755. 4to. Urkundenbuch, S. 12 ff.), he secretly urged on the choice of Henry, count of Luxemburg (*Villani*, lib. VIII. c. 101).

⁶ See the Bull of April 27, 1311 (in *Raynald* ad h. a. no. 26 seq.). After relating the process of accusation and defence thus far, the Bull proceeds: Nos — apud eudem Regem — salutaribus monitis — institutis, — ut rejectis anfractibus denuntiationum et objectionum hujusmodi — ipsius negotii prosecutionem nostræ et Ecclesiæ ordinationi relinquaret, — ita quod nos et eadem Ecclesiæ — ex officiis nostri debito ad ipsius negotii cognitionem, — et totalem decisionem procedere — ac finem congruum eidem imponere deberemus. — Competenti super his inquisitione præhabita comperimus, quod, etsi etiam — denuntiatores — ad denuntiationes, — ac dictum Regem ad requisitionem prædictam — faciendas objectorum veritas, de quibus certi non sumus, forsitan non movisset; ipsos tamen ad hoc præconcepta malignitas, aut mala causa non impulit, sed bonus, sincerus et justus zelus induxit; unde — denuntiatores — et dictum Regem — extra omnem calumniam fuisse et esse, ac bono, sincero et justo zelo, ex fervore catholicae fidei processisse, — pronuntiamus — et tenore præsentium declaramus. Quibus pronuntiationibus — factis — cum in negotio memorato vellemus ulterius — procedere, — illi qui defensioni — dicti Bonifacii se — offerebant, negotium hujusmodi in officiis nostri mera et libera potestate sponte ac libere dimiserunt; ac demum prefatus Rex, — tanquam benedictionis et gratiæ filius, progenitorum suorum, qui se semper ipsius Ecclesiæ beneplacitis coaptarunt, vestigia clara sequens, pro se ac universis regnicolis regni sui — nostris in hac parte requisitionibus de abundantia regalis clementia per effectum operis acquievit. Motum et zelum dicti Regis in hac parte ex fervore fidei — prodeuntem non immertro approbantes, et sonoris laudum efferentes præconiis, ac volentes præfato Regi et suis adversus futura pericula sic plene, prospicere, quod inclytæ domus et regni Franciæ fama celebris — nullis obloquentium mortibus — in posterum pateat; — omnes sententias latas ab homine vel a jure, constitutiones, declarationes non inclusas in sexto libro Decretalium, in quantum præjudicant, vel possent præjudicare honori, statui, juribus et libertatibus dictorum Regis et regni, regnicolis assertoribus, denuntiatoribus, delatoribus, — relaxamus, revocamus, irritamus, annulamus, cassamus. Et si qua calumnia, macula, sive nota ex præmissis denuntiationibus, — aut quibusunque contumeliis, blasphemias — eidem Bonifacio — illatis — præfato Regi, posteritati suæ, — et denuntiatoribus, — nec non et adjutoribus — ex captione, insultu et aggressione prædictis — impingi, imponi, vel imputari possent in posterum quoquo modo; hujusmodi calumnias, notas, maculas — totaliter abolemus et tollimus. — Thus it was to be foreseen that the council would acquit Boniface of the charges against him (*Villani* IX. c. 22. *Raynald* ann. 1312, no. 15). On the other hand, all the passages were effaced from the Registrum Bonifacii which could be offensive to Philip (*Raynouard monumens hist. relatifs à la condemn. des Chevaliers du Temple*, p. 190; a catalogue of them in *Raynald*, ann. 1311, no. 32 seq.).

Templars to the ambition of the king⁷ without any sufficient proof of their guilt.⁸

⁷ *Bernardus Guido* in vita Clementis (*Baluz.* I. p. 58) relates that the suppression of the Order was pronounced by the Pope March 22, 1312, in *privato consistorio*, and the sentence made public at the second sitting of the council of April 3, præsente Rege Franciæ Philippo cum tribus filiis suis, cui negotiū erat cordi (Compare *Contin. Chron. Guil. de Nangis* in *d'Achery Spicil. T. III.* p. 65). The bull containing it *Ad providam* (in *Mansi XXV.* p. 389. *Rymer-Clarke*, Vol. II. P. I. p. 167) is dated 2 May, 1312. It provides: *Dudum siquidem ordinem domus militiæ templi Hierosolymitani propter magistrum et fratres — variis — infandis — obscenitatibus, pravitatisbus, maculis et labe respersos, — ejusque ordinis statum, habitum atque nomen, — non per modum diffinitivæ, sententia, cum eam super hoc secundum inquisitiones et processus super his habitos non possemus ferre de jure* (namely, as is explained in the *Contin. Guil. de Nangis*, l. c. *cum Ordo ut Ordo non esset adhuc convictus*; the crimes in individual cases were considered to have been proved), *sed per viam provisionis, seu ordinationis apostolicae, irrefragabili et perpetuo valitura sustulimus sanctione.* As to the estates of the Order it was provided *ut Ordini hospitalis S. Joannis Hierosolymitani — in perpetuum unirentur: — exceptis bonis — Ordinis — consistentibus in regnis — Castellæ, Aragoniæ, Portugallia et Majoricarum regum illustrum* (in Arragon these estates were bestowed on the order of Montesa, founded 1307; in Portugal on the order of Christ, founded 1309). The Order of St. John, notwithstanding great outlay, never came into possession of all these estates, see *Raynouard*, p. 197. *Wilcke*, Bd. 2. S. 63). — It is remarkable that after the bull of suppression, the Conc. Tarraconense (10 Aug. 1312) after an investigation, acquitted the Templars of that region, and provided for their support (*Mansi XXV.* p. 516). It is to be lamented that the ed. of the Acts of this council promised by Petrus de Marcar, never appeared. — The Grand-master, James of Molay, was condemned to perpetual imprisonment, but having recalled his confession, he was burned at the stake, 19 March, 1314, together with another of the heads of the Order (*Cont. Chron. de Nangis, d'Achery*, III. p. 67. *Villani VIII. c. 92. Raynouard*, p. 205 seq.).

⁸ It was thought even by his contemporaries, that the order was unjustly put down by Philip from avaricious motives, see *Villani VIII., c. 92. Jo. Boccacius* († 1375) *de casibus virorum illustrium* (see *Bulæi hist. Univ. Paris. T. IV.* p. 110). In particular *Albericus de Rosate*, Jurist, about 1350, in his *Dictionarium juris ed. Venet. 1601, s. v. Templo*: *Templarii erant magnus ordo in Ecclesia, et erant milites strenui b. Mariæ. Et destructus fuit ipso tempore Clementis Papæ ad procurationem Regis Franciæ. Et, sicut audivi ab uno qui fuit examinator causæ et testium, destructus fuit contra justitiam. Et mihi retulit, quod ipse Clemens protulit hoc: Et si non per viam justitiae possit destrui, destruatur tamen per viam expedientiæ, ne scandalizetur carus filius noster Rex Franciæ.* Thus too the historians *Antoninus Florentinus* († 1459, in *Raynald. ann. 1307*, no. 12) and *Joannes Trithemius* († 1517) maintain the injustice of the condemnation of the order. On the other hand, the French writers of the 14th and 15th centuries, and since the 15th century almost all historians for a long time have taken for granted the guilt of the order. Later writers acknowledge the irregularity of the proceedings; but are divided in their opinions of the guilt of the order. *Nicolai* (*Versuch über die Beschuldigungen, welche dem Tempelherrnorden gemacht worden*. Berlin 1782) supposed the idolatry of which the Templars were accused, to have been a secret gnosticism, to which the knights were introduced in three degrees, and explains the supposed idol *Baffometus* as *βαρφὶ λήτους*, a gnostic symbol (this *Baffometus* is mentioned in the Acts of the commission in Carcassone, see *Dupuy*, p. 216. *Raynouard*, p. 291: *Gauzerand de Montpezat — dit que le chef, qui le recevait, lui montra une idole dorée, ayant la forme d'homme avec de la barbe: ce chef lui déclara, qu'elle était faite en figuram Baffonetii.* — *Raymond Rubei* dépose, que celui qui le recevait lui montra un bois où était peinte figura Baffonetii, et illam adoravit osculando sibi pedes, dicens *yalla* verbum Saracenicum. *Baffomet* is the Provençal for Mahomet, see *Wilcke*, Bd. 1. S. 366, as *baomaria* is the mosque, see above, § 56, note 23. At a trial in Florence a witness testifies, *Raynouard*, p. 295, that the brethren animated each other to the

For all these humiliations the Pope seemed resolved to indemnify himself by his conduct toward other nations. Having quarrelled

worship of the head by saying: *istud caput vester Deus est, et vester Mahumet*). v. Hammer (*Mysterium Baphometis revelatum in d. Fundgruben des Orients*, Bd. 6. St. 1. Wien 1818) attempted to show from remains which he supposed to have come from the Templars, that they were Ophites, and their idolatry the worship of the powers of nature, especially that of generation. Wilcke *Gesch. des Tempelherrnordens*, Bd. 1. S. 342 ff. supposes their secret doctrine to have been a Mohammedan gnosticism. Defenders of the Order: Herder hist. über Nicolaï's Buch &c. (im deutchen Mercur 1782 März &c. with additions in Herders Werken zur Philos. und Gesch. Carlsruher Augs. Th. 13. S. 266), Münter über die hauptsächlichsten, gegen dem Tempelorden erhobenen Beschuldigungen (in Henke's *Neuem Magazin f. Religionsphilosophie, Cregese u. Kirchengesch.* Bd. 5. S. 351), *Raynouard* monumens historiques relatifs à la condamnation des Chevaliers du Temple, Paris. 1813. and his later essays in answer to Hammer in the *Journal des Savans Mars et Avril*, 1819, *Biblioth. universelle*, T. X. p. 327; XI. p. 3. especially the Note in Michaud hist. des croisades, ed. 4. T. 5. p. 572. The question would be easily settled by the confessions of the Templars themselves, if they could be depended upon. Out of France there were but few confessions made by the knights, and these under the torture, see Münter in Henkes N. Magazin, Bd. 5. S. 365. *Raynouard*, p. 123, 259. Wilcke, Bd. 1. S. 325. The results of the investigation instituted by Philip in France deserved little credit on account of the fearful means employed to extort confessions; the prisoners, as was afterwards testified before the papal commission in France, had even agreed with each other what they should confess in order to save themselves from the torture (Moldenhawer, S. 33). But even those examined before this papal commission were not left to themselves. They were warned by the creatures of the king in writing to adhere to their confession as they wished to escape the stake (Moldenhawer, S. 62. *Raynouard*, p. 74). This was still more forcibly impressed on them on the 12th of May, 1310, by the burning of 54 Templars. On the following day a knight appeared before the commission, maintaining the innocence of the order, but professing himself ready after yesterday's events to confess to any charge whatever, yea, even if it should be demanded of him to confess that he had murdered the Lord himself. He besought the commission to conceal all this from the king that he might not be burned to death (Moldenhawer, S. 238. In like manner the 37 witness, see Moldenhawer, S. 297 f. *Raynouard*, p. 142). This account seems very probable, as well as the information given by the papal commission to the provincial synod of Sens (Moldenh. S. 236. *Raynouard*, p. 99), *quia dictus præpositus et multi alii asserebant, quod fratres dicti ordinis, qui obierant, in extremo vitæ suæ asseruerunt in periculum animarum suarum, se et dictum ordinem falso delatos fuisse de criminibus eis impositis*. On the other hand the testimony against the order is not to be overlooked. Thus that of the 40th witness Gerhard de Cans, according to which such irregularities as the Templars were accused of, had sometimes taken place at the initiation of the brethren (Moldenhawer, p. 304), and namely, at his own (*Ibid.* p. 315). — It seems therefore that there was some guilt; not so much, however, in the order, as in individuals; though no doubt much exaggerated by attributing to the Templars all the current heresies of the time. How little ground there is for the notion of gnostic mysteries and degrees amongst them is well shown by Herder, l. c. That such heresies should have been introduced by the clerical brethren of the order, as is suggested by Wilcke, Bd. 1. S. 344, is hardly reconcilable with the strict subordination to the other brethren, in which they always were held. Some light may, perhaps, be thrown on the subject by the following considerations. The ill success of the crusades was often ascribed to the magic arts of the Saracens. Even Roger Bacon says, *Opus maius* ed. Jebb. p. 253: *Et ideo Tartari procedunt in omnibus per viam astronomiæ, et in prævisione futurorum et in operibus sapientiæ. Cujus signum est evidens, quod cum sit gens habens parvos et débiles homines, — jam totam latitudinem mundi prostraverunt. — Similiter Saraceni multum utuntur astronomia, et sciunt sapientes inter eos facere hæc opera. — Et nisi ecclesia occurrat per sancta consilia ad impediendum et destruendum opera hujus-*

with Venice concerning the possession of Ferrara (A. D. 1308),⁹ he poured out upon the devoted republic the most terrible maledictions, joining spiritual excommunication to temporal ban in a manner hitherto unprecedented (1309).¹⁰ The Venetians found no resource but in submission (A. D. 1313).¹¹ Nor was his conduct less presumptuous towards king Henry VIII. of Germany.¹² This spirited young prince having undertaken an expedition to Rome (1310), attempted to revive the old imperial rights in Italy, and proceeded to treat Rob-

modi, aggravabitur intolerabiliter flagellis Christianorum. — Si igitur Christiani scirent hæc opera auctoritate papali facienda ad impedienda mala Christianorum, satis esset laudabile, et non solum propter mala repellenda, sed ad promotionem quorumeunque utilium (see more on the prevalent belief in magic in this age in *Meinerts hist. Vergleichung der Sitten &c. des Mittelalters mit denen unsers Jahrh.* Bd. 3. S. 182 ff.). These notions would of course assume a still ruder form with the illiterate knights. We see how enraged the Templars were at the ill success of all their efforts in Palestine, in the Sirvente of the Troubadour le Chevalier du Temple, above, § 56, note 23. Christ seemed to sleep, the great magician Mohammed alone to have rule; and from him therefore must success be sought. The secret sciences of the Saracens, the rough knights were incompetent to acquire; but they found particular charms and Talismans, to give success in battle, secure riches, honor, power, &c., the use of which was easily learned: the crime was readily excused by its advancing the interest of the order, which they always set above that of the church (see *Div. III. § 72*). Now in as far as these charms depend on the power of evil spirits, it is natural enough to suppose that the knights might have thought it necessary to abjure their Lord whilst they made use of them, thinking that there would afterwards be time enough to reconcile themselves to the church and save their souls. Similar, perhaps, was the origin of the heresies of which the Hospitallers are accused as early as Gregory IX. (see § 72, note 12).

⁹ cf. *Raynald.* ann 1308, no 14 ff. Le Bret *Staatsgesch. der Republik Venedig*, Bd. 1. S. 672 ff.

¹⁰ *Raynaldus*, ann. 1309, no. 6, is unwilling to give the judicarium edictum die cœnæ Dom. consignatum in full, and only extracts parts of it: Ni parerent, sacrum usu et commercio publico Venetorum omnem ditionem privavit: inussit infamiae notam magistratibus, legum et judiciorum beneficio privatos pronuntiavit, viros ecclesiasticos abire ditione Venata jussit, exceptis iis, qui baptismalia infantibus, et morituris confessionis sacra conferrent. Demum si in cœptis perstarent, præfixo ad veniam poseendam tempore, ducem insignibus ducalibus exuendum, et omnes Venetorum fortunas fisco addicendas, Regumque in eos imploranda arma pronuntiavit, donec Ferrariam ecclesie restituissent. Moreover (*ibid.* no. 7) Venetos in servitutem addictos, occupantibus bona direptioni sive in Italia sive in Græcia exposita, and calls on all princes and bishops to take possession of all Venetians who may be in their dominions as slaves.

¹¹ *Raynald.* ann. 1313, no. 31 seq. Le Bret, Bd. 1. S. 707 ff.

¹² In the year 1309 Henry had sent ambassadors to the Pope with the commission (*Raynald.* ad h. a. no. 10), devotionem et filiale reverentiam, quam erga vos et sacrosanctam Romanam ecclesiam — gerimus, exponendi, — nec non — præstandi in animam — nostram debitæ vobis et s. Romanæ ecclesiae fidelitatis, et cuiuslibet alterius generis juramentum, et specialiter ad petendum a vobis unctionem, consecrationem et coronam imperii de sacratissimis manibus vestris nobis impendendum, etc. The beginning of the oath taken by them in Henry's name reminds us strikingly (*Raynald.* l. c. no. 12) of the usual vague oath (compare *Div. II. § 23, note 11*): Nos — vobis sanctissimo Patri — vice et nomine — nostri Regis, et in animam ipsius promittimus, et juramus, — quod nunquam vitam aut membra, neque ipsum honorem quem habetis, sua voluntate, aut suo consensu, aut suo consilio, aut sua exhortatione perdetis; et in Roma nullum placitum aut ordinationem faciet de omnibus, quæ ad vos pertinent aut Romanos, sine vestro consilio et consensu, etc.

ert, king of Naples, who had from the first manifested a hostile spirit towards him, as a vassal.¹³ But the Pope, not content with claiming the seignory of Sicily, pretended to make peace between the two, as if they were both his vassals.¹⁴ Nothing but the death of Henry,¹⁵ who was suddenly taken away by poison (August 24, 1313),¹⁶ now prevented a final struggle between the papal and the imperial power. This event left Clement at liberty to proclaim the supremacy of the former,¹⁷ without fear of immediate contradiction.

¹³ Olen schlagers Staatsgeschichte des Röm. Kaiserthums in der ersten Hälfte des 14ten Jahrh. S. 59 ff.

¹⁴ Clement wrote to Henry and Robert (*Raynald.* ann. 1312, no. 44), quod cum ipsi Reges, ejusdem ecclesiæ specialissimi filii, sibi juramento fidelitatis et alias multipliciter essent adstricti ipsius ecclesiæ debeat esse promptissimi defensores. Henry on this declared publicly, se non fore cuiquam ad juramentum fidelitatis adstrictum.

¹⁵ When the papal legate Nicolaus Ep. Botrontinensis, who had till then accompanied the emperor, took occasion at parting to warn him (cf. Ejusd. *Henrici iter italicum* in *Baluzii PP. Aven.* T. II. p. 1228; and in *Muratori*, T. IX. p. 933), quod caveret summe de occasione quacumque, per quam Ecclesia Romana haberet causam ipsum offendendi directe vel indirecte, the emperor answered ridendo et quasi me confortans: Sitis consolatus. Nos audivimus consilium nostrorum Clericorum juratorum, utrum defendendo nos Deum offendamus, et utrum tencamus facere justitiam et delinquentes punire: ex quo Deum non offendimus prædicta faciendo, sed magis offenderemus ipsum contrarium facientes. On being informed by the legate, that in case of his advance on Naples Papa excommunicatum vos denuntiabit, et postea procedet ad vestram depositionem, sicut factum fuit de Frederico, qui fuit dittor, nobilior, et potentior, et minores rebelles habuit, et plures amicos, tamen finaliter Ecclesia ipsum destruxit: he answered: Si Deus pro nobis, nec Dominus Papa, nec Ecclesia destruet nos, ex quo Deum non offendimus. He was not excommunicated till 6 Aug. 1313 (*Raynald.* ad h. a. no. 22), a few days before his death.

¹⁶ Administered, according to common report, by the Dominican Bernardus at the communion. The *Gesta Balduini*, Lib. II. c. 17 (in *Justi Ruberi Scriptt.* Germ. Francof. ad Mœn. 1726. fol. p. 831), the author of which was not only a contemporary, but may be supposed to have been accurately informed on the subject by Baldwin, the emperor's brother, say: Henricus ad vesaniam Roberti Siciliæ Regis perdomandam versus Neapolim—iter capiendo, et veniens Bonconvent—a quodam Ordinis Praedicatorum religioso Diminici corporis Christi sacramentum devote recipiebat, cuius sodalis ejusdem professionis ablutionem sumendum in calicem fundebat, quem ipse Imperator fidelissime sumebat, et statim postea totius corporis molestiam sentiebat. Postea sui prudentissimi intelligentes Medici ipsum nulla infirmitate alia, quam intoxicationis materia graviter laborare, sibi indicarunt, devotissime supplicarunt, quod hanc intoxicationis materiam sineret eos per inferendum sibi vomitu radicitus revocare. Quibus fertur respondisse: malo migrando ad Dominum diem claudere extremum, quam generare scandalum in sacrum Dominicum et detrimentum Christianorum. A number of testimonies on the subject have been collected by *Martin Dieffenbach* de vero mortis genere, ex quo *Henricus VII. Imp.* obiit. Francof. 1685. 4to. The Dominicans have endeavoured to save themselves from the disgrace of such a crime, by the certificate on the subject which they obtained from Henry's son, John, king of Bohemia, 1346 (in *Baluzii miscellan.* Lib. I. p. 102). They are defended at large in *Martene et Durand Ampliss. Collectio*, T. VI. p. 376 seq.

¹⁷ He began by repealing the ban which Henry had pronounced on Robert, in the bull *Pastoralis* (*Clementin.* Lib. II. Tit. II. c. 2) not only on the ground that the king as noster et Ecclesiæ Romanae—notorie subditus homoque ligius et vasallus was not subject to the emperor, but also tam ex superioritate, quam ad Imperium non est dubium nos habere, quam ex potestate, in qua, vacante Imperio,

§ 96.

JOHN XXII. (August 7, 1316 — December 4, 1334).

After a long, interrupted, and stormy election, John XXII.¹ was chosen to the papal see, and, notwithstanding his promise, remained also in Avignon.² Like his predecessors, dependent on France and presumptuous towards all other powers, the contest between Lewis of Bavaria and Frederick of Austria for the imperial crown,³ soon

Imperatori succedimus, et nihilominus ex illius plenitudine potestatis, quam Christus — nobis — in persona b. Petri concessit. These two bold assertions were soon maintained more at large in two special bulls. The first, *Clementin.* Lib. II. Tit. 9: Romani Principes — Romano Pontifici, a quo approbationem personæ, ad Imperialis celsitudinis apicem assumendæ, nec non unctionem, consecrationem, et Imperii coronam accipiunt, sua submittere capita non reputarunt indignum, seque illi, et eidem Ecclesiæ, quæ a Græcis Imperium transtulit in Germanos, et a qua ad certos eorum Principes jus et potestas eligendi Regem, in Imperatorem postmodum promovendum, pervenit (this view had been maintained since Innocent III., see § 54, note 12), adstringere vinculo juramenti. Henry having denied that this juramentum was a jur. fidelitatis: nos, — ne quis in Romanum assumptus Principem, vel in posterum assumendus, an juramenta hujusmodi — fidelitatis existant, in dubitationem deducere audeat, vel super his contrarium adstruere veritati: auctoritate Apostolica de fratum nostrorum consilio declaramus, illa juramenta prædicta fidelitatis existere. The other dd. II. Id. Mart. 1314 (in *Raynald.* ad h. a. no. 2) ad Robertum Regem Sicil. Nos, ad quos Romani vacantis Imperii Regnum pertinere dignoscitur, attentes, quam avide Italæ partes, præsertim quæ ad Imperium ipsum pertinent, rectorem exigant, — Te de fratum nostrorum consilio in partibus ipsis — vicarium in temporalibus usque ad Sedis Apostolicae beneplacitum constituimus generalem, etc.

¹ Compare the contemporary *Joannes Canonicus s. Victoris* in vita Joannis XXII. (*Baluzii PP. Aven.* I. p. 113): Cardinales apud Carpentras, ut de pastore providerent Ecclesiæ, convenerunt. Sed effusa est contentio super principes, nec poterant concordare. Italicæ talem eligere intendeant, qui ad Romanam sedem curiam revocaret. Quod Cardinales Gascones facere formidabant: quia cum sui de Gasconia Italici multas injurias irrogassent, certi erant, quod si in manibus Romanorum incidenter, æquipollentiam sustinerent. Fuerunt ergo diu in tali discordia, licet inclusi multa incommoda sustinerent, quia cibaria eorum subtrahebantur, et domus eorum desuper dissipatae. Tandem hæc Gascones non ferentes ignem in palatio posuerunt, per quem combusta est pars maxima civitatis. Et sic dispersi Cardinales. According to the Epist. encyclica of the Italian Cardinals (in *Baluz.* II. p. 286) many of their people were killed, and they themselves only saved their lives by flight. The election was at length resumed at Lyons through the mediation of the French.

² Quinta vita Jo. XXII (*Baluz.* I. p. 178): in sua electione — juravit se nunquam ascensurum equum vel mulum, nisi iret Romam. Quod et servavit, quia navigio ivit usque ad Avinionem et pedes ascendit palatium, de quo postea nisi intrando Ecclesiam majorem, quæ contigua palatio est, non exivit.

³ Concerning the controversy that now ensued between Lewis and the papal power, see *Jo. Georg Herwart ab Hohenburg* (a Bavarian Counsellor), *Ludovicus IV. Imp. defensus, Bzovius injuriarum postulatus. Monachii. III. Partes. 1618—19.* 4to. *Chr. Gewold* defensio Ludov. IV. Imp. ratione electionis contra Bzovium. Ingolst. 1618. 4to. *Joh. Dan. v. Olenschlager's erläuterte Staatsgesch. des Röm. Kaiserthums* in der ersten Hälfte des 14ten Jahrh. samt einem Urkundenbuche. Frankf. a. M. 1755. 4to. S. 86 ff. *H. Zschokke's baierische Geschichten,* Bd. 2. (Aarau 1815) S. 108 ff. *Conr. Mannert Kaiser Ludwig IV.* a prize essay, Landshut, 1812. *Jos. Schlett Biographie von Kaiser Ludwig dem Baier.* Sulzbach, 1822.

afforded him an opportunity of asserting the newly devised supremacy of the Pope over the empire. As long as the contest lasted he did not interfere, content with the self-assumed regency, which he administered plainly to the interest of the French.⁴ But Lewis having taken his opponent prisoner at the battle of Muhldorf, September 28, 1322,⁵ John reproached him for having assumed the rights of king of Rome before he had received the papal confirmation.⁶ Lewis defend-

⁴ See the bull of 31 March, 1317 (in *Raynald.* ad h. a. no. 27. and in d. *Extravag. Jo. XXII. Tit. 5.*) In nostram — deductum est — notitiam, quod, licet de jure sit liquidum, et ab olim fuerit inconcusse servatum, quod vacante Imperio, — cum in illo ad sæcularem judicem nequeat haberi recursus, ad Summum Pontificem, cui in persona b. Petri terreni simul et cælestis Imperii jura Deus ipse commisit, Imperii prædicti jurisdictio, regimen et dispositio devolvantur, et ea, tempore durante ipsius vacationis Imperii per se vel alium seu alios exercuisse noscitur in Imperio memorato; nonnulli tamen in Italiae partibus — vicariatus seu alterius ejususcumque nomen officii, quod Imperatore vivente ex ipsius commissione gerebant, — post decepsum ipsius absque nostra — licentia retinere sibi — præsumperunt. — Quia igitur error, cui non resistitur, approbari videtur; — nos volentes nostris et ecclesiæ sponsæ nostræ juribus et honoribus in hac parte prospicere, — nec non periculis animarum hujusmodi retinentium — nomina — salubriter occurtere cupientes; præsentium auctoritate monemus sub excommunicationis pena omnes et singulos, — quatenus de cætero a denominatione hujusmodi, — neenon usu, potestate et exercito supradictis prorsus abstineant. — Alioquin in omnes et singulos — excommunicationis in singulares personas, et in terras et loca ipsorum — interdicti sententias — publice promulgamus, etc. Concerning the dispute with Matthew Visconte, the imperial Vicar in Milan, who resigned this title, it is true, but as captain retained the same power, see *Villani IX.* c. 85 seq. Robert, king of Sicily, being unable to cope with him, Philip of Valois was appointed assistant Vicar (*Raynald.* 1320, no. 10), and Matthew declared a heretic, cum illi ecclesiæ auctoritas sacrorumque religio Iudibrio esset (ib. no. 13). During these disturbances the great Dante Alighieri († 1321) in his *Monarchia* (ed. in *Schardii de jurisdict. imperiali variorum auctorum scripta Basil.* 1566. fol.), defended the imperial rights against the encroachments of the Pope (see Bartolus note 9, below). — The attempts of the Pope to assume the same office in Germany, noticed by Olenschläger, S. 102.

⁵ Compare Zschokke, l. c. S. 148.

⁶ Bull of 8th Oct. 1323 (Processus primus contra Lud.) in *Raynald.* ad h. a. no. 30; more complete in *Hervart.* P. I. p. 194; and in *Martene et Durand thes. nov. anecdot. T. II.* p. 644: Ludovicus a nobis, ad quem suæ electionis — ac personæ ipsius examinatio, approbatio, ac admissio, repulso quoque et reprobatio noscitur pertinere, electione predicta nequaquam admissa, nec ejus approbatæ persona, — Romanorum Regni nonen sibi et titulum Regium usurpavit; quamvis prius quam alterutrius eorum per sedem Apostolicam fuisse approbata vel reprobata persona, neutri electorum ipsorum assumere licuit nomen et titulum prælibatum: cum nec interim Romanorum Reges existant, sed in Reges electi. — Idem etiam Ludovicus — ad administrationem iurium Regni et Imperii prædictorum, in gravem Dei offensam et contemptum, ac manifestam injuriam Romanæ Ecclesiæ matris suæ, ad quam ejusdem vacationis tempore Imperii regimen, sicut et in præsentiarum vacat, pertinere dignoscitur, neenon et plurimoruni scandalum et rei turbationem ac læsionem publicæ, ac suæ animæ detrimentum prosilire, seque illi immiscere irreverenter ac indebitè præsumpsit hactenus et præsumit. — Ejusdem insuper Ecclesiæ Romanæ hostibus, sicut Galeacio de Vicecomitibus (Galeazzo Viscount, the son and successor of Matthew) et ejus fratribus, quamvis sint de criminis hæresis — condemnati, — se exhibere fautorem et defensorum — non est veritus nec veretur. Nos itaque — præfatum Ludovicum — præsentium tenore monemus, eidem sub virtute sanctæ obedientiæ, ac excommunicationis pena, quam ipsum, nisi cum effectu hujusmodi monitioni nostræ paruerit, incurrire volumus ipso facto, auctoritate Apostolica nihilominus injungentes, ut infra trijum mensium spatium, a

ed himself on the ground that he derived his dignity from the choice of the electors,⁷ upon which the exasperated Pope excommunicated him forthwith (March 21, 1324).⁸

data præsentium computandum, — ab administratione, fautoria et defensione prædictis prorsus abstineat ac desistat ; — quodque gesta per eum post præsumptum ab eo titulum memoratum circa præmissa, quatenus processere de facto (cum de jure non teneant, velut ab ipso, cui jus faciendi non competit nec competit), attentata, curen infra prædictum terminum, quantum patietur possibilitas, realiter revocare. Then follows a command to all the subjects of the empire sub pœnis excommunicationis in personas, et interdicti in terras eorum, neconon privationis privilegiorum quorumcunque Apostolicorum et Imperialium, ac feudorum, quæ ab Ecclesia vel Imperio obtinunt, to render to Lewis neither obedience nor support. Finally : Ut autem hujusmodi processus noster ad ipsius Ludovici — notitiam deducatur, chartas sive membranas processum continentem eundem in Ecclesia Avenionensi appendi vel affigi ostiis seu superliminaribus ejusdem Ecclesiæ faciemus, quæ processum ipsum suo quasi sonoro præeonio et patulo indicio publicabunt ; ut idem Ludovicus et alii, quos processus ipse contingit, nullam possint excusationem pretendere, quod ad eos non pervenerit : — cum non sit verisimile, quod ipsos remanere incognitum, — quod tam patenter omnibus publicatur. This new mode of publication is worthy of remark.

⁷ Lewis' protest, taken before a notary and witnesses in Nürnberg, 16 Dec. 1323 (in *Herwart I.* p. 248; in *Olen schla gers Urkundenb.* S. 84), — Nos circumcincti stola justitiæ, et amicti pallio veritatis, in haec parte facti et juris consciæ, clare respondemus, — quod hactenus a tempore, eujus non est memoria, circa electos Romanorum Reges et Principes sic est de jure et consuetudine observatum, — quod Romanus Rex eo solum, quod electus est a Principibus Electoribus — omnibus vel majori numero corundem, et coronatus corona Regia in solitis locis et consuetis, Rex est, — ac jura Regni libere administratur. — Nec concedimus, ita simpliciter, ut proponitur, ad Sedem Apostolicam examinationem, admissionem et approbationem electionis et personæ nostræ, [aut] repulsionem et reprobationem pertinere, sicut asserit. Sed si, quod non ereditimus, pertineret, hoc unum demum sibi locum vendicare forte posset, si per querelam, vel per viam supplicationis, appellationis vel provocacionis, vel alio modo ad ipsam Sedem fuisse devolutum ipsum negotium vel deductum ; quæ locum non obtinent in præsenti : vel si forte, petitis per nos insulis Imperialibus vel denominatione nostra, ex causis legitimis jure scriptis, quas ad nos locum non ereditimus habuisse, personam nostram contigisset exigente justitia refutari. Denominatio quippe personæ vel electionis admissio habita subsequenter nobis non jus, nomen vel titulum tribuissent, quæ jam ex ipsa electione sortiti sumus, sed ea potius detexissent, approbassent et latius commendassent. — Quod vero adjunxit, nos Galeazio de Vicecomitibus et ejus fratribus de hæresi condemnatis — defensionem exhibuisse, penitus nihil scimus. Nam si dicti Galeazius et fratres sui sunt de hæresi condemnati, nobis non innotuit. — Imo quem favorem aut defensionem eis — exhibuimus, et quoni modo sint vel fuerint rebellis Ecclesiæ, non videmus ; aperte conjicimus, et per effectum operis cognoscimus, nonnullos rebelles nominari Ecclesiæ, qui per fidem devotionis suæ molientibus contra statum et jura Imperii renituntur. — Sed nos astringimus et offerimus — legitime probaturos, quod ipse est dissimulator, defensor et fautor hæreticæ pravitatis ejus, quæ totam s. Ecclesiæ inficit et conturbat, et a confessione retrahit pœnitentes. — Nam cum ad ipsius summi Pontificis audientiam gravibus et frequentibus Archiepiscoporum, Episcoporum — querimoniis sit deductum — contra — Fratres Minores —, quod ipsi sint secrete confessionis proditoris, et peteretur ab eo, ut hoc — emendaret ; ipse tanquam tergiversando, dissimulando et celando morbum hujusmodi — curare — non curavit, dietis fratribus in hac parte s. Romanæ Ecclesiæ et fidei catholicæ iniurias constitutus se fauorem. Ceterum — ipse contra divinæ dispositionis ordinationem, per quam in firmamento Ecclesiæ militantis duo magna luminaria Deus fecit, Pontificalem videlicet auctoritatem et Imperatoriam Majestatem, illud ut præcesset diei, spiritualia disponendo, alterum ut præcesset nocti, temporalia judicando, manifeste nititur luminaris alterius, potestatis scilicet radios sæcularis suffocare : unde in confusionem et errorem sancta reponetur Ecclesia, causabuntur hæreses, ingerentur lites, suscitabuntur scandala, et Ecclesia Romana, carens præposito

Thus, then, the contest was once more renewed between the papal and the imperial power, the insatiable popes not being content till they had robbed the empire of the last ray of its glory, and sacrificed another of the best of the emperors to their ambition. Public opinion, however, hitherto the strongest ally of the popes, was now against them, especially at the outset. The jurists were naturally bound to the emperor,⁹ and even the canonists were hardly able to keep up

advocato, resistere non poterit insurgentibus ex adverso. Nos igitur, — sentiens, nos et jura Imperii et nostra, sanctam professionem catholicam, sanctam Romanam Ecclesiam ex prædictis processibus — graviter et enormiter — aggravatos esse; — a processibus dicti Pontificis manifeste inquis — sanctam Sedem Apostolicam — appellamus. — Cum vero propter præmissos articulos — opus sit convocatione concilii generalis, instanter et cum omni devotione ipsum, quam primum commode poterit, ad locum communem et aptum petinum congregari.

⁸ The Processus secundus, dated 9 Jan. 1324 (in *Martene et Durand* thes. anecdot. T. II. p. 647), contains only a confirmation of the first, adding two months to the grace. Processus tertius, 21 March, 1324 (in *Martene*, l. c. p. 652. Olen-schlager, l. c. S. 96): Nos adhuc volentes cum eodem electo uti potius mansuetudine quam rigore — per infra scriptum modum duximus ordinandum, videlicet quod ad publicationem sententiae excommunicationis, — in qua idem electus propter suam in prædictis inobedientiam et contumeliam incidisse dignoscitur, procedentes, ab aliarum pœnarum publicatione, in quas similiter incidit, supersedeamus ad præsens. Then Louis is charged to obey within three months sub pœna privationis omnis juris, si quod sibi ex sua electione — quoquomodo competit: ac insuper infra dictum terminum per se vel procuratorem — compareat coram nobis, super dictis excessibus — definitivam sententiam et beneplacitum, quantum officium nostrum patitur, auditurus, ac alias facturus et recepturus quod justitia suadebit. Against those who should adhere to him, the threats of the first process are repeated. Et licet contra civitates, communites, universitates, et singulares personas alias, quæ in prædictis vel circa ea forsitan deliquerint, — ad debitam impositionem pœnarum propter hoc fuisse merito procedendum, tamen de apostolicæ sedis gratia adhuc providimus expectandum. All who from this time forward continued to obey or assist Louis, should be under the Interdict, from which they could be released only by the Pope.

⁹ The notion of the universal monarchy of the emperor (see § 54, note 3) was now carried so far that Henry VII. in a law passed in Pisa, 1312 (*Extravagantes, quas nonnulli XI Collationem appellant Tit. I.* appended to the Cod. Justin.) thus expresses himself: divina præcepta, quibus jubetur, quod omnis anima Romanorum Principi sit subjecta. The great jurist *Bartolus de Saxoferrato* (in Bologna † 1356) in his Comm. super secund. Partem ff. novi (in Dig. Lib. XLIX. Tit. 15 de captiv. et de postlim. l. 24) proves in full this right of the emperor, and closes thus: si quis diceret, dominum Imperatorem non esse dominum et monarcham totius orbis, esset hæreticus: quia diceret contra determinationem ecclesiæ (compare § 59, note 31) et contra textum s. Evangelii, dum dicit: *Exiit edictum a Cœsare Augusto, ut describeretur universus orbis, ut habes Luc. II. vel. III. cap. et ita etiam recognovit Christus Imperatorem ut Dominum.* See, however, ad Dig. Lib. XLVIII. Tit. 17 de requir. reis l. 1. § 2. Præsides: Dantes — in uno libro, quem fecit, qui vocatur monarchia — disputavit tres quæstiones, quarum una fuit, an imperium dependeat ab ecclesia, et tenuit, quod non: sed post mortem suam quasi propter hoc fuit damnatus de hæresi: Nam ecclesia tenet, quod imperium dependeat ab ecclesia pulcherrimis rationibus, quas omitto, tenendo istud, quod imperium dependeat ab ecclesia. The following passage on the question whether Henry VII. had the right to summon Robert to his presence, and on the bull, *Pastoralis* (§ 95, note 17) is characteristic: Cynus (*Bartolus'* teacher, † 1341) disputavit istam quæstionem Senis, et dicit, quod ista citatio potest fieri. — Sed ad illam decretalem dicit ipse: *non potest dari responsum in pace, sed pertranseat cum aliis erroribus Canonistarum.* Ita dicit ipse. Ego consuevi tenere illam decretalem, tamquam existens in terris ecclesiæ, dicens eam esse veram de jure. Nam, etc.

with the rapid progress of the papal pretensions.¹⁰ The popular feeling¹¹ of the justice of Lewis' cause was confirmed by the conviction

Thus the papal jurist makes the universal monarchy of the emperor to depend upon the Pope, after the example of Boniface VIII. (see § 59, note 31). — Worthy of notice is *Albericus de Rosate* (of Bergamo, † 1354). In his *Lectura super Cod. ad Cod. Lib. I. T. 1. l. 1. no. 7*, we find some very sensible objections to the asserted universal monarchy of the emperor, concluding ad l. 7 §. Glorioissimo, no. 6: *Quidquid ergo dicatur, credo potestates esse distinctas, ut unus præsit in spiritualibus sc. Papa, alter in temporalibus.* His discussion of the subject fullest ad Cod. Lib. VII. Tit. 39. *De quadriennii prescriptione*, l. 3. Bene a Zenone. Here some remarkable reminiscences from former times, e. g. omnes clerici et ecclesiæ antiquitus suberant Imperatori. — eodem modo posset dici de electione Papæ, nam olim eligebarat per Imperatorem. — Et ista forte privilegia perdidit imperium de facto potius quam de jure, propter longam vacationem ejusdem et potentiam et prudentiam summorum pontificum et aliorum præsidentium Romanæ Ecclesiæ. Finally: Nunc illam duram et subtilem quæstionem aggredior, utrum Imperator ex sola electione concordi vel a majori parte facta dicatur verus Imperator, et omnimodam administrationem et potestatem habeat circa privilegia concedenda et omnia alia, an vero indiget confirmatione, unctione, examinatione, coronatione Papæ. After having given in full the grounds for and against, he continues: Quid ergo in tanta iurium Doctorum et glossarum varietate tenebimus? Dominus Oldradus (de Poute, Advocatus Consistorialis, and much appealed to by Johannes XXII. † 1320) sequebatur opinionem, quod administrare non posset. — In eadem opinione fuit Ostiensis (HENRICUS CARD. OSTIENSIS, Canonist about 1260) and other writers on the Canons. Contrariam opinionem tenuit Jacobus de Arena (in the beginning of 14th century, prof. juris in Padua), qui hanc quæstionem publice disputavit, et cuius disputacionem inseruit hic Cynus (jurist in Bologna and Perugia, † 1341), qui eandem opinionem clare hic sequitur. Eandem opinionem sequitur Guilelmus Naso, — qui dicit quod eligendo confirmatur, sicut Dominus Papa, — quia sacerdotium et imperium parum discrepant. — Et tenet, quod privilegia per eum concessa valeant etiam si cassaretur ejus electio. Hanc etiam opinionem sequitur Innocentius (IV. who wrote *Comm. in Decretales Pontificum*) d. c. Venerabilem (Decr. Greg. I. 6, 34) in glossa art. quod sicut potest, ubi hæc verba ponit: Credimus tamen, quod, si Imperator coronam in loco debito recipere non possit, nihilominus auctoritate ministrandi ab archiepiscopo Coloniensi posset recipere, vel sua auctoritate, quam habet ex electione. Hæc ibi. Et hanc opinionem veriorem puto per jura et rationes ad hoc adductas, et maxime auctoritate dicti Domini Innocentii et aliorum hoc tenentium. Alias sequeretur maxima absurditas, quod cum Imperium et Imperatores fuerint ante Papam, — et multi etiam tempore Papæ fuerunt non confirmati nec coronati ab eo, immo eligebant Papam, ut prædictum est, videretur, quod gesta per eos non valuerint, et sie leges civiles et multa subverterentur. Hanc etiam opinionem sequitur quidam magister Joannes Parisiensis (see § 59, note 35) et Dantes de Florentia (above, note 4). — De hoc fuit magna concertatio tempore Joannis XXII. et successoris sui Benedicti XII. inter eos et Dominum Ludovicum de Bavaria, electum in Imperatorem. *Et me existente tunc in Romana curia, audivi magnos prelatos et etiam laicos utrosque jurisperitos in hanc opinionem inclinare tamquam veriorem.* — Præsidentes Romanæ ecclesiæ eorum astuta et sagaci prudentia secundum temporum varietatem sua variaverunt statuta, modo Imperium sublimando modo paulatim deprimendo de tempore in tempus: sed considerato initio ejuslibet puto potestates fuisse distinctas, et si quælibet fuisse contenta suis limitibus, et una alteram coadjuvasset, sicut facere tenentur, puto, quod pax esset in universo orbe.

¹⁰ *Hermannus Januensis*, about 1348, in the continuation of *Martini Minoritæ Flores temp. (in Eccardi corpus hist. medii ævi, T. I. p. 1638)*: Papa anno 1323 Ludovicum excommunicavit, etc. Isti processus a quibusdam stricte servabantur; a multis vero quasi invalidi nibil curabantur, quia Bononiæ et Parisius, ut dieitur, examinati a Doctoribus Theologiae et utriusque juris judicabantur penitus nil valere. cf. *Albericus a Rosate*, note 9.

¹¹ How entirely this was in Lewis' favor is shown by its taking the form of revelations. Thus the infant Jesus appeared to Margaretha Ebner, a nun in a

that the Pope was acting in this, as in other cases, under French influence ; and still more by the imputation of heresy cast upon him by the Minorites, who had sought refuge from his persecutions under the protection of Lewis.¹² The writers on the imperial side, the court-physician Martilius of Padua († after 1342), and John of Jar-dun († after 1338)¹³ only made the public more distrustful of their

convent near Dillingen, saying : "I will never forsake him, for his love to me." See *Jo. Heumanni opuscula*, p. 340.

¹² Namely, on account of his decision given A. D. 1323, *hæreticum esse, pertinaciter affirmare, Christum ejusque Apostolos in speciali non habuisse aliqua, nec in communi etiam.* See below, in the history of the Franciscans.

¹³ According to *Albert. Mussatus* in *Lud. Bav. (Murat. X. p. 773)* Lewis' advisers, quorum consilii potissimum fruebatur, were *Marsilius de Raymundinis*, civis Paduanus plebejus, philosophiae gnarus et ore disertus (supposed usually to have died 1328, but mentioned in *Ludov. ep. ad Bened. XII. in Raynald*, ann. 1336, no. 36, as still living, neither is there any reason to doubt that the work de jurisdic. imp. in causis matrim., which appeared in 1342, see below, § 98, note 18, is by him), et *Ubertinus de Casali* Januensis Monachus, vir similiter astutus et ingeniosus (see § 70, note 13). Besides these two there were also *Johannes de Janduno* (incorrectly de Gandavo, or of Ghent, see *Oudin. comm. de Scriptt. eccl. ant. T. III. p. 883*) and *Ulrich Hangenor* (*Mag. Ulricus de Augusta*) private secretaries to the emperor. In this period was written the work, the joint product of John and Marsilius: *Defensor pacis* (in *Goldast. Monarchia*, T. II. p. 154); the work of *Marsilius de translatione Imperii tract.* (*ibid. p. 147*) and of John *tract. de potestate Ecclesiastica* (*Ms. bibl. Colbert. see Oudin. I. c. p. 884*). The *Defensor pacis*, in 3 *Dictiones s. Partes*, treats in the first part of the origin and the aim of the state; in the second, of the relation between the temporal and ecclesiastical favor; and in the third gives 41 *Conclusiones* from what precedes. cf. *Concl. I*: Solam divinam s. canonican scripturam, et ad ipsam per necessitatem sequentem quamecumque ipsius interpretationem, ex communi concilio fidelium factam, veram esse et ad æternam beatitudinem consequendam necesse credere, si alicui debite proponatur. *II.* Legis divinæ dubias definire sententias — solum generale concilium fidelium — debere, nullunque aliud partiale collegium aut personam singularem, cuiuscunque conditionis existat, jam dictæ determinationis auctoritatem habere. *III.* Ad observanda præcepta divinæ legis pœna vel suppicio temporali — nemo Evangelica scriptura compelli præcipitur. *IV.* Solius novæ legis divinæ præcepta, vel ad ipsa per necessitatem sequentia, et quæ secundum rectam rationem fieri aut omitti convenit, propter æternam salutem necesse servari, antiquæ vero legis nequaquam omnia. *V.* In divinis novæ legis præceptis aut prohibitis neminem mortalem dispensare posse; permitta vero prohibere, obligando ad culpam aut pœnam pro statu presentis sæculi vel venturi, solum posse generale concilium, aut fidelem legislatorem humanum. *VI.* Legislatorem humanum solam civium universitatem esse, aut valentiorem illius partem. *VII.* Decretales vel Decreta Romanorum aut aliorum quorumlibet pontificum, communiter aut divisim, absque concessione legislatoris humani constituta, neminem obligare pœna vel suppicio temporali. *VIII.* In humanis legibus solum legislatorem vel illius auctoritate alterum dispensare posse. *X.* Cujuslibet principatus aut alterius officii per electionem instituendi, præcipue vim coactivam habentis, electionem a solius legislatoris expressa voluntate pendere. *XV.* Super omnem singularem personam mortalem, cuiuscunque conditionis existat, atque collegium laicorum ac clericorum, auctoritate legislatoris solummodo principem jurisdictionem tam realem quam personalem coactivam habere. *XVI.* Excommunicare quenquam, aut divinorum officia interdicere absque fidelis legislatoris auctoritate nulli Episcopo vel sacerdoti aut ipsorum collegio licere. *XVII.* Omnes Episcopos æqualis auctoritatis esse immediate per Christum, neque secundum legem divinam convinci posse in spiritibus aut temporalibus præesse invicem vel subesse. *XVIII.* Auctoritate divina, legislatoris humani fidelis interveniente consensu seu concessione, sic alios Episcopos communiter aut divisim excommunicare posse Romanum Episcopum, et in ipsum auctoritatem aliam exercere, quenadmodum e converso. *XIX.* Conju-

cause by the boldness of the assertions with which their works were filled. On the other hand, they have the merit, of having furnished

gia — divina lege, nova præsertim, prohibita per mortalem neminem dispensari posse ; humana vero lege prohibita ad solius legislatoris vel per ipsum principiantis auctoritatem perficere. XXI. Ad Ecclesiasticos ordines promovendos, ipsorumque sufficientiam judicare judicio coactivo, ad solum legistatorem fidelem spectare, ac sine ipsis auctoritate quenquam pronovere ad hoc cuiquam sacerdoti vel Episcopo non licere. XXII. Numerum Ecclesiarum sive templorum, ac in ipsis ministrare debentium sacerdotum, diaconorum, et reliquorum officialium ad solum principiantem secundum leges fideliuin pertinet mensurare. XXVII. Ecclesiasticis temporibus, expleta sacerdotum et aliorum Evangelii ministrorum, et his quæ ad cultum divinum pertinent ac impotentum pauperum necessitate, liceit ac secundum legem divinam pro communibus seu publicis utilitatibus aut defensionibus uti possesse legislatorem humanum totaliter et in parte. XXXIII. Generale concilium aut partiale sacerdotum et Episcoporum ac reliquorum fidelium per coactivam potestatem congregare, ad fidelem legistatorem aut ejus auctoritate principiantem in communia fidelium tantummodo pertinere, nec in aliter congregato determinata vim aut robur habere. According to Concl. XXII. the right of establishing and breaking up Metropolitanships, was reserved to the general councils ; also, according to Concl. XXXV., that of canonizing saints ; also, Cencl. XXXVI. : Episcopis aut Presbyteris aliisque templorum ministris si uxores interdicere convenit, reliqua quoque circa Ecclesiasticum ritum per generale solum fidelium concilium id statui et ordinari ; et illud solum collegium, aut personam in hoc cum prædictis dispensare posse, cui data fuerit ejus auctoritas per concilium supra dictum. Concl. XXXVII. A judicio coactivo, Episcopo vel sacerdoti concessio, semper ad legistatorem contendenter liceat appellare, vel ad ejus auctoritate principiantem. Concl. XL. Legistatorem fidelem, aut ejus auctoritate principiantem in subjecta sibi provincia compellere posse tam Episcopos quam reliquos evangelicos ministros, quibus de sufficientia victimus et tegumenti provisum est, ad divina officia celebranda et sacramenta ecclesiastica ministranda. Important for the history of the hierarchy, P. II. c. 15, p. 239 : Hæc nomina *Presbyter* et *Episcopus* in primitiva ecclesia fuerunt synonyma, quamvis a diversis proprietatibus eidem imposita fuerint. Nam *Presbyter* ab ætate nomen impositum est, quasi senior ; *Episcopus* vero a dignitate seu cura super alios, quasi superintendentens. Proofs drawn from Jerome. Phil. i. 1, etc. See vol. I. § 29, note 1. — Post hæc autem Apostolorum tempora numero sacerdotum notabiliter aucto ad scandalum et schisma evitandum elegerunt sacerdotes unum ex ipsis, qui alios dirigeret et ordinaret, quantum ad ecclesiasticum officium et servitium exercendum et oblatæ distribuendum, ac reliqua disponendum convenienti modo, ne istud quolibet pro libito faciente œconomia et servitium templorum turbaretur propter affectionum diversitates. Hic siquidem electus — ex posteriorum consuetudine retinuit sibi soli nomen *Episcopi*, quasi superintendentis. — Verum jam dicta electio seu institutio per hominem — nihil amplioris meriti essentialis seu sacerdotalis auctoritatis — tribuit, sed solum ordinationis œconomicæ in domo Dei seu templo potestatem quandam, alios sacerdotes — ordinandi et regulandi, quomodo Priori datur potestas in monachos. — Et ideo secundum veritatem et intentionem Hieronymi non aliud est *Episcopus* quam archipresbyter. Cap. 16 shows, Apostolorum neminem ad alios habuisse præminentiam from Luc. xxii. 19 ; Jo. xx. 21, 22 ; Gal. ii. 6 — 9. Nullam ergo potestatem, eoque minus coactivam jurisdictionem habuit Petrus a Deo immediate super apostolos reliquos, neque instituendi eos in officio sacerdotali, neque segregandi eos seu mittendi ad officium prædicationis, nisi quod hoc sane concedi potest, ipsum fuisse priorem aliis ætate vel officio fortasse secundum tempus, aut Apostolorum electione, qui eum propterea reverebantur merito, quamvis hanc electionem ex scriptura nemo convincere possit. Signum autem, verum esse quod diximus, est, quoniam b. Petruin nullam sibi assumpsisse singulariter auctoritatem supra reliquos apostolos invenimus ex scriptura, sed magis cum ipsis æqualitatem servasse. In proof of which he appeals to Act. XV. — Sicut Petrus Antiochiae legitur electus in *Episcopum* per fidelium multitudinem, aliorum Apostolorum confirmatione non indigens, sic et Apostolorum reliqui præfuerunt in aliis provinciis absque Petri scientia, institutione, vel consecratione aliqua ; fuerant enim per Christum consecrati sufficienter. Propter quod similiter opinandum, horum Apostolorum succes-

the theologians of their own and the succeeding ages with fruitful materials of thought. The cause of the emperor was in fact more

sores non indiguisse aliqua confirmatione successorum Petri; quinimo multi successores aliorum Apostolorum fuerunt electi et instituti Episcopi rite, ipsorumque provincias sancte rexerunt absque alia institutione vel confirmatione de ipsis facta per successores Petri. Et exitit hoc sic legitime observatum usque quasi ad tempora Constantini Imp. — Quod si tamen b. Petrus a quibusdam sanctorum principes Apostolorum scribatur, dictum est large ac improposito sumendo vocabulum principis. — Cujus rei exemplum conveniens sumi potest ex principantibus saeculi, qui nec praesunt sibi invicem aliqua potestate, ut Comites ejusdem regni; — cum tamen quandoque inter alios unus aut plures ceteris honoratores habeantur. — Quod si tamen Apostoli b. Petrum tanquam sibi Episcopum elegissent; — non tamen ex hoc sequeretur, quod ipsis successores in Romana sede vel alia, si alibi fuit Episcopus, hanc prioritatem habeant super aliorum successores, nisi a reliquo-rum successoribus eligerentur ad hoc; majoris enim virtutis fuerunt aliqui successores aliorum quibusdam successoribus Petri. — Rursum cur magis conveniret hoc successoribus ejus in sede Romana, quam in Antiochena vel Hierosolymitana vel alia, si Episcopus in pluribus extitisset? Amplius quilibet Episcopus quantum ad intrinsecam dignitatem — indifferenter successor est cuiuslibet Apostoli, et ejusdem meriti sive perfectionis quantum ad dignitatem prædictam sive characterem, quoniam omnes hunc habent eundem ab uno efficiente — Christo, non ab eo qui manus imposuit. — Amplius propter manuum impositionem Romanus Episcopus non est aut dici debet singulariter b. Petri successor, quoniam Romanum Episcopum esse convenit, cui non imposuit manus b. Petrus, nec mediate nec immediate; nec rursum propter sedem sive loci determinationem, primum quidem, quia nullus Apostolorum lege divina determinatus fuit omnino ad populum aliquem vel locum, nam Matthæi ultimo dictum est omnibus: *Euntes ergo docete omnes gentes*: amplius quoniam b. Petrus prius legitur Antiochia fuisse quam Romæ, etc. — Jam dictis autem audiri desuetis mirabilius est, quia desuetum amplius et inopinabile fortassis videbitur, si non falsum: quod ex certo scripturæ testimonio convinci potest, Romanos Episcopos magis esse successores, quantum ad provinciam et gentem, Apostoli Pauli quam Petri. — Cum per scripturam constet evidenter, Paulum Romæ fuisse biennio, et ibidem omnes suscepisse gentiles converti volentes, — constat ipsum fuisse Romanum Episcopum specialiter. — De beato vero Petro — dico per scripturam sacram convinci non posse, ipsum Romanum Episcopum, et quod amplius est, ipsum unquam Romæ fuisse. Sed per scripturam sacram indubitanter tenendum, b. Paulum fuisse Romanum Episcopum, et si quis alter cum ipso Romæ fuerit, tamen Paulum singulariter et principaliter — fuisse Rom. Episcopum, b. vero Petrum Antiochia, ut appareat ad Gal. II.: Romæ vero non contradico, sed verisimiliter teneo, ipsum in hoc non prævenisse Paulum, sed potius e converso. — Cap. 18, p. 251. *Unde Romanus Episcopus et Ecclesia — super ceteros sibi quendam primatum assumpsit.* — Nemo Episcoporum per omne tempus illud (to Constantine) in alios Episcopos coactivam jurisdictionem exercuit. Quamvis tamen aliarum provinciarum Episcopi plures, in quibus dubitabant, tam de scriptura sacra, quam de ritu ecclesiastico, non audentes se publice congregare, consuluerunt Episcopum et Ecclesiam fidelium existentem Romæ, propter maiorem ibidem forte fidelium multitudinem et magis peritiorum, eo quod studia scientiarum omnium tunc multum Romæ vigebant. — Unde etiam provinciarum aliarum fideles, sufficientia personarum carentes, ad ipsorum ecclesias gubernandas ab episcopo et Ecclesia Romana fidelium postulabant personas sibi ad episcopatum præficiendas, eo quod Ecclesia fidelium Romæ personis talibus, ut jam diximus, amplius abundabat. Episcopi vero et Ecclesia Romanorum sic requisiti — charitable atque fraterne subveniebant in his; — ordinationes, quas super ecclesiasticum ritum sibi fecerant, aliis communicando provinciis, et quandoque etiam in aliis provinciis contentionem aut schisma fidelium inter se audientes charitable monendo. Hæc autem aliarum provinciarum ecclesiae gratae suscipiebant. — Hoc etiam modo vel consimili quasi suscepit a Græcis Romanus populus gratuita non coakte leges quasdam vocatas decem tabularum. Ex jam dicta vero quasi consuetudinaria prioritate, aliarum Ecclesiarum consensu spontaneo, Romanorum Episcopi — auctoritatem quandam decreta — constituendi super universalem Ecclesiam — sumpserunt usque ad tempora Constantini. Constantinus vero — primus fuit Im-

advanced, it may be, by those who attempted to answer them on the side of the Pope, the Augustinian monk Augustinus Triumphus of Ancona († A. D. 1328),¹⁴ and the Franciscan Alvarus Pelagius

perator, qui fidem Christi, ministerio b. Sylvestri tunc Papæ Romani patenter adeptus est, et — Ecclesiæ Romanæ ac ipsius Episcopo tribuisse videtur auctoritates et potestates super alios Episcopos et Ecclesiæ omnes. — Cap. 22, p. 268: Post tempora vero Constantini I. et præcipue imperiali sede vacante hanc sibi deberi prioritatem quandoque lege divina, quandoque vero concessione principum suis epistolis expresserant Rom. Episcopi quidam. Hanc etiam extenderentes auctoritatem in omnes Episcopos et ecclesiæ, populos et singulares personas, ad sententiam excommunicationis et interdicti divinorum officiorum — in supradictos fideles ferendum. Sic etiam suis epistolis expresserunt, sibi convenire temporalium omnium ecclesiasticorum dispensationem. Quibus etiam moderniores excessibus non contenti suis expresserunt Epistolæ sive Decretis, auctoritatem sive jurisdictionem coactivam supremam super omnes mundi principatus — sibi lege divina deberi; — propter quod etiam ad suam auctoritatem pertinere dicunt, omnia mundi regna et principatus conferre ac auferre liceat posse regibus — ipsorum mandata transgredientibus, quamvis impia sint secundum veritatem et illicita saepè. Hoc autem inter cæteros Romanos Episcopos — octavus Bonifacius in tantum expressit et asseruit, ut banc Romanis Episcopis deberi potestatem decreverit ab omnibus credendum et confitendum esse de necessitate salutis æternæ (see above, § 59, note 26). Cujus sententiam aësecuti sunt successores ejus Clemens V. et — Joannes, — quamvis hoc solum explicite videantur dicere de solo imperio Romanorum. Quod quia id asserunt innisi titulo supradicto, plenitudinis videlicet sibi datæ potestatis a Christo, indubium est, potestatem hanc sive auctoritatem, si qua talis ex hoc sibi conveniat, omnia mundi regna et principatus ex æquo respicere. Cap. 26, p. 281, of the origin of the papal assumptions over the emperors: Voluerunt Romanorum principi quidam citra tempora Constantini electionem de se factam amicabiliter signare Romanis Pontificibus, ut — per Pontificum intercessionem ampliorem benedictionem et gratiam ad suum gubernandum imperium obtinerent: eodemque aut consimili quasi modo — Romanorum quidam Imperatore: diadema regium imponi sibi fecerunt per Romanos Pontifices; quam siquidem impositionem Pontifici Romano plus auctoritatis tribuere super Rom. Principem, quam Remensi archiepiscopo super regem Francorum, quis dicet? Non enim conferunt hujusmodi solemnitates auctoritatem, sed habitam vel collatam significant. Ex hac quidem igitur reverentia sic sponte per Romanos principes exhibita, quærentes sapienter quæ sua non sunt, Episcopi Romani induxerunt consuetudinem et abusum verius, propter principum simplicitatem, non modo dicam ignaviam, laudationem electæ personæ ac benedictionem, quam super illam mittebant, vocaliter aut in scriptis vocare confirmationem electionis prædictæ. Nec attendentibus olim Romanis Principibus, quæ sub hac appellationis figura præjudicialis latebat intentio, sic ipsam successive subinduxerunt latenter, nunc vero patenter, Romanii Pontifices, ut nullus quantumcumque convenienter electus in Romanorum Regem Rex vocari debeat, neque Regis Romanorum auctoritatem habeat aut exerceat, nisi per Romanum Episcopum fuerit approbatus. Non esset hoc aliud quam Romanum solvere principatum, et principis creationem perpetuo prohibere. Quid ergo aliud sibi tribuit auctoritatis principum electio, quam nominatione in, ex quo ipsorum determinatio ab unius solius alterius voluntate dependet? Tantam nempe septem tonsores aut lippi possent Romano Regi auctoritatem tribuere.

¹⁴ Summa de potestate ecclesiastica ad Joh. P. XXII. (ed. Aug. Vind. 1473. Romæ. 1582; the one before me is Colon. 1475. fol.) divided into III. Partes and 112 Quæstiones. Qu. 1, art. 1: Sola potestas Papæ est immediate a Deo. Habet omnem potestatem sæcularem judicare et deponere, si non bona est. Et si inveniatur, quandoque aliquos Imperatores dedisse aliqua temporalia summis Pontificibus, sicut Constantinus dedit Sylvestro: hoc non est intelligendum, quod suum est, sed restituerunt, quod injuncte et tyrannice ablatum est (cf. Qu. 43, art. 3). Omnis potestas Imperatorum et Regum est subdelegata respectu potestatis Papæ. Qu. 18, art. 1: Major est jurisdictione Papæ quam cuiuslibet angelii. Papæ totius mundi jurisdictione et cura commissa est, — quod super cœlum et terram jurisdictionem accepit. Qu. 22. art. 3: Magis tenentur laici subditi obedire Papæ, quam Imperatori vel Regi. Tota machina mundialis non est nisi unus principatus: — princeps

autem totius principatus mundi est ipse Christus, cuius Papa vicarius existit juxta illud *Dax.* VII. Si aliud mandat Papa, et aliud Imperator, obediendum est Papæ et non Imperatori. Qu. 23, art. 1: *Paganis jure sunt sub Papæ obedientia.* Vicarius Christi est Papa, unde nullus potest se subtrahere ab ejus obedientia de jure, sicut nullus potest de jure se subtrahere ab obedientia Dei. Qu. 35, art. 1: *Papa per se ipsum Imperatorem potest eligere.* Imperator est minister Papæ eo ipso quod est minister Dei. Est autem principaliter agentis, eligere ministros et instrumenta ad suum finem. Unde puto, quod Papa, qui universos fideles in praesenti ecclesia ad pacem habet ordinare, et ad supernaturalem finem consequendum dirigere et destinare, justa et rationabili causa existente per se ipsum possit Imperatorem eligere: ut propter eligentium negligentiam et discordiam, aut propter electi bonitatem et condecoriam, vel propter populi Christiani pacis providentiam, sen propter coërcendum hæreticorum, paganorum et schismaticorum potentiam et audaciam. Posse enim Papæ fulcitum debet esse veritate, justitia et æquitate; non enim potest adversus veritatem sed pro veritate, ut dicit Apostolus II. ad Cor. ult. Art. 3. Sicut a sede Apostolica potestas eligendi Imperatorem Electoribus est concessa, ita a predicta sede potest eis auferri. Art. 6. Papa potest Imperatorem facere per hæreditariam successionem sicut per electionem. Qu. 37, art. 3. Auctoritate Papæ Imperium a Romanis est ad Græcos translatum. Constantinus hujusmodi translationem fecit auctoritate summi Pontificis, qui tanquam vicarius Dei filii coelestis Imperatoris jurisdictionem habet universalem super omnia regna et imperia. Propter imperium ad Græcos post tempus Constantini translatum, ecclesia ibi potestate et dignitate multum vigebat. Et ideo quatuor concilia fuerunt ibi celebrata, quibus Imperatores sic se subjecerunt, quatenus per summum Pontificem approbarentur. Art. 4. Auctoritate Papæ Imperium est translatum a Græcis ad Germanos. Art. 5. Auctoritate Papæ Imperium potest a Germanis transferri ad alios. Qu. 23, c. 4. *Displacet* auctoritate Augustini dicitur, quod Ecclesia per incrementa temporum semper majori potestate utitur. Si ergo Ecclesia quandoque fecit hujusmodi translationem, multo fortius nunc potest facere. Conditio Imperatoris a tempore Constantini multipliciter variata est. Nam tempore dicti Constantini Imp. eligebantur. Qui nodus servatus est usque ad tempora Michaelis Imp. et Caroli M. Postea institutio Imperii processit per successionem ad tertium generationem puta usque ad tertium Ottoneum, qui fuit nepos primi et filius filii. De istis enim non inventur facta electio, sed sola provisio per summum Ponificem. Gregorius V. convocatis Principibus Almaniae ordinavit electores Imperatoris officiales ipsius imperialis curie. Qualiterunque tamen institutio Imperii sit variata: nulli tamen dubium esse debet, quin summus Pontifex — Imperatorem possit eligere, quemcunque et undecunque sibi placet in auxilium et defensionem Ecclesiæ. Qu. 38, art. 1: *Pcr Papam Imperator electus debet confirmari.* Ad illum pertinet immediate Imperatoris confirmation, ad quem pertinet Imperii immediata jurisdiction. Postquam enim Constantinus cessit Imperio occidentali nulla sibi reservatione facta — plenum jus totius Imperii est acquisitum summis Pontificibus, nou solum superioris dominationis, verum etiam immediatae administrationis, ut ex ipsi tota dependeat imperialis jurisdiction, quantum ad electionem et quantum ad confirmationem; ita ut ex tunc nullus de jure poterit se intromittere de regimine occidentalis Imperii absque expressa auctoritate et mandato sedis Apostolice, nisi usurpative et tyrannice, sicut fecit Julianus Apostata et multi alii. Art. 4. Papæ Imperator electus debet fidem jurare. Imperator assunxit in defensorem et protectorem Ecclesiæ, potissime in partibus Italiæ et in occidentibus regionibus, in quibus Ecclesia non solum temporalium habet universalem jurisdictionem, sicut in toto orbe noscitur habere, verum etiam habet mediante ministro, quem elegit, immediatam administrationem. Talis ergo minister in tribus tenetur Ecclesiæ fidelitatem servare; primo in ipsis Ecclesiæ exaltatione, ut per rebelles et infideles Ecclesia non deprimatur, sed potius illis expugnatis juxta posse suum supra candelabrum ponatur; secundo in Ecclesiæ pastoris et rectoris defensione; — tertio in temporalium per Constantinum concessorum Ecclesiæ conservatione, ut in taliibus non prætendat aliquam immediatam jurisdictionem, sed solum immediatam administrationem. Et ista tria ponuntur in juramento fidelitatis, quod ipse Imperator summo Pontifici præstare tenetur. Qu. 39, art. 1. Imperator per solam electionem non potest administrare, nisi beneficium confirmationis recipiat. Qu. 40, art. 1. Papa potest Imperatorem deponere. Art. 4. Imperatoris subditos a juramento fidelitatis absolvere. Qu. 41, art. 1. Ad Papam spectat Imperatoris electione.

(† after 1340),¹⁵ who, exasperated at the boldness of the imperial

nem examinare. Qu. 44, art. 1. Absque Papæ auctoritate Imperator non potest leges condere. Omnis justa lex (quæ secundum Augustinum si justa non est, non est lex) dependet a lege divina. Illo ergo jure lex imperialis dependet ab auctoritate Papæ, quo jure dependet a lege divina, cuius ipse Papa est vicarius et minister, potissime cum secundum Dionysium lex divinitatis hoc habeat, ut ejus influentia non transeat ad inferiora nisi per media. Medius autem inter Deum et populum Christianum est ipse Papa, unde nulla lex Populo Christiano est danda, nisi ipsius Papæ auctoritate; sicut nec aliqua lex fuit data populo Israelitico nisi mediante Moyse. Art. 4. Papa potest sua auctoritate leges Imperiales corrigere. Qu. 45, art. 2. Papæ subjiciuntur omnes Reges, quantum ad temporalium recognitionem. Dicentes, Papam, Vicarium Christi, in toto orbe dominium habere solum super spiritualia, non autem super temporalia, similes sunt consiliarii Regis Syriæ, qui dixerunt III. Reg. 20: *Dii montium sunt dii eorum*, etc. Sic hodie mali consiliarii adulatiopestifera seducunt Reges et Principes terræ, dicentes: dii montium, puta spiritualium donorum, sunt summi Pontifices, sed non sunt dii convallium, quia temporalium bonorum nullum habent dominium; ideo in campestribus et in potentia bonorum temporalium pugnemus contra eos et obtinebimus. Sed quid dicit eis divina sententia, audiainus; quia dixerunt, inquit, Syri, deus montium est dominus, non deus vallium, dabo omnem multitudinem hanc in manu vestra, et scietis, quia ego sum Dominus. Qu. 46, art. 2. Papa potest omnes Reges cum subest causa depone. Art. 3. Papa potest in quolibet regno regem instituere. — Sicut Deus est factor omnium regnum et provisor, sic Papa vice Dei est omnium regnum provisor. Unde cum causa rationalibilis subest, in quolibet regno potest Regem instituere, sive sit causa ipsius Regis nequitia, ut dictum est supra de Rege Francorum, sive ipsius populi fraudulenta malitia, ut si in Regis mortem conspirarent, vel eum ejicerent, — vel quocunque alio modo causa justa et rationalibilis subest, ad Papam spectaret, illi regno de Rege providere. Qu. 61, art. 3. Papa non potest aliquos eximere a se ipso in temporalibus. Apostolus II. ad Tim. 2 dicit: *Deus fidelis est, et seipsum negare non potest.* Negaret autem seipsum, si eximeret aliquos a suo dominio temporali vel spirituali, quia tunc negaret, se esse dominum omnium tam temporalium quam spiritualium. Cum igitur Papa verus vicarius Dei sit, si aliquos eximeret a seipso in jurisdictione temporalium vel spiritualium, negaret, quod non esset verus Dei vicarius, et talis negatio in errorem Manichæorum ipsum induceret, ponentium, ab alio principio spiritualia et ab alio temporalia esse producta. Unde non est dubium, quod si pro tali veritate testificanda Papa pateretur, verus Christi martyr esset censensus. To the objection: consuetudo servanda est, et longo tempore approbata pro lege tenenda est, ut jurisconsultus dicit. Sed ab antiqua consuetudine fuit observatum in ecclesia Gallicana, quod Prælati Franciæ non recognoscunt temporalia a Papa sed a Rege, et ipse similiter Rex a nullo temporalia recognoscit, he replies: consuetudo veritati et rationi contraria, quanto diuturnior tanto perniciosior et periculosior, nec consuetudo sed abusio dicenda est. Non enim dixit Christus, ut dicit Gregorius: Ego sum consuetudo, sed: *ego sum veritas.* Si vero potentia regalis vel imperialis allegatur, videatur, ut dicit Aug. quod factum sit de Nabuchodonosor, quomodo a regno depositus est et inter bestias connumeratus est, donec recognosceret, Deum cœli esse dominum universorum. Qu. 73, art. 3. Papa alicui potest concedere decimas Laicorum. Jus naturale propria facit communia in necessitate, jus vero divinum ex caritate, et jus civile ex reipublicæ utilitate. Planum est autem, quod Papa est omnis juris interpres et ordinator, tamquam architector in tota ecclesiastica hierarchia vice Christi, unde quolibet jure potest, cuin subest causa rationalibilis, decinas laicorum non solum subditorum, verum etiam Regum, Principum et Dominorum recipere et concedere pro ecclesiæ utilitate, ac eos, si noluerint dare, compellere.

¹⁵ His work *de planetu ecclesiæ*, libb. II. (ed. Ulmae. 1474. Venet. 1560. fol.) written in Avignon 1330, and revised by the author A. D. 1340, then bishop of Silves in Portugal, agrees in its principles entirely with that just cited. cf. lib. I. c. 13: *Quod jurisdictionem habet universalem in toto mundo Papa nedum in spiritualibus, sed temporalibus, licet executionem gladii temporalis et jurisdictionem per filium suum legitimum Imperatorem, quum fuerit, tanquam per advocationem et defensorem ecclesiæ, et per alios reges et mundi principes; et in patrimonio s.*

controversialists, carried out the newly-invented papal law in its utmost absurdity.

Under these circumstances, neither the papal excommunication, to which Lewis at once opposed an appeal to a general council,¹⁶ nor the interdict under which all who remained faithful to the emperor were laid,¹⁷ produced the desired effects.¹⁸ The wrath of the Pope

Petri et in regno Siciliae, quod est regnum Ecclesiæ et patrimonium,— et in aliis terris Ecclesiæ eam per suos rectores debeat exercere. Quum animæ corporibus sunt pretiosiores, et spiritualia temporalibus digniora; — cui ergo commissæ sunt animæ et spiritualia, multo potius res sunt et corpora committenda. Temporalia accessoria sunt ad spiritum, Matth. 16: *hæc omnia scil. temporalia adjicentur vobis*: sed accessoria naturam habent principale sequendi. On these principles he defends the papal assumption against the emperor Lewis, here mentioned only as Bavarus schismaticus. Then, cap. 33: Quod Papa non tenetur se purgare de aliqua infamia, a quibuscumque exorta, bonis vel malis, si non vult. Cap. 34: Quod in hac vita, etiamsi injuriam vel injustitiam facit Papa alicui, non habet judicem super se, nec tenetur eligere judices vel arbitros. Cap. 36: Quod antea fuit ecclesia, quam Imperium. Finally he inserts, cap. 60, the Bull *Unam sanctam*: Ad complementum autem papalis potestatis plenariae, et gladii utriusque pertinentis ad eum, licet diversimode, pono Extravagantem Domini Papæ Bonifacii VIII, quæ istam determinat quæstionem ejus tenor est, etc. Cap. 68 is against the new Schismatics, in particular against the hæresiarcha novellus Marsilius Padovanus.

¹⁶ Dated Sachsenhausen in Apr. or May, 1324 (ed. *Baluz.* Vitæ PP. Aven. T. II. p. 478): Nos Ludovicus Dei gratia Romanorum Rex semper Augustus propinquus contra Johannem, qui se dicit Papam XII, quod inimicus sit pacis, et intendit ad discordias et scandala suscitanda. — Nam publice dicere dicitur, quod quando inter Reges mundi et Principes est discordia, tunc Papa est verus Papa, et timetur. — Maxime autem dicere dicitur, quod discordia Alamanniæ — salus est et pax Romani Pontificis et Ecclesiæ. Unde cum multiplicarentur in Alamania, occasione diversarum electionum, cædes, — et sanguinis effusiones, proh dolor, innocentium; nunquam unam litteram vel qualecumque nuntium misit ad obvianum prædictis periculis atque malis, cum tamen multos haberet in partibus Alamanniæ exactores et collectores pecuniarum pro ipso, quibus hoc committere sine aliquo suo onere potuisset, si voluisset, vel sibi de hoc cura aliqua fuisse, ostendens se per hoc facere contra doctrinam et vitam et exemplum Christi, ejus vicarium se mentitur et dicit. After justifying the course pursued by the emperors, and showing the unfounded assumptions and unjust conduct of the Pope, he proceeds to give a detailed and vehement refutation of the Pope's assertion, Christum et Apostolos habuisse bona temporalia in communione modo, quo alia collegia habent, quod dictum est notorie hæreticum, et profanum et contra evangelii sacram textum, evidently from the pen of some persecuted Minorite. In conclusion: ad generale Concilium, quod instanter et cum instantia repetita in loco tuto nobis et nostris convocari petimus, et ad verum legitimum futurum sumum Pontificem, et ad sanctam matrem Ecclesiam et Apostolicam Sedem, et ad alium vel ad alios, ad quem vel ad quos fuerit appellandum, provocamus et appellamus.

¹⁷ Processus quartus of 11th Jul. 1324, in *Martene et Durand* thes. Aneid. T. II. p. 660: (Ludovicum) reputamus et declaramus merito contumacem, — omni jure, si quod sibi ex electione sua competere seu competuisse poterat, a Domino privatum denuntiamus, — de benignitate sedis Apostolicæ — supersedentes ad præsens a poenit. aliis, quibus excessus prædicti ipsi reddiderunt obnoxium. — Personas ecclesiasticas, — quæ contra — mandata nostra Ludovico præfato tamquam Regi — paruerunt vel adhæserunt quomodolibet, — declaramus poenias suspensionis ab officio, ac excommunicationis sententias — incurrisse. Civitates autem, communitates, — ac singulares personas illarum, quæ in prædictis — deliquerunt, — declaramus, civitates — interdicti, singulares vero personas excommunicationis sententiis subjacere. Lewis is then forbidden sub poenit. excommunicationis ac privationis feudorum, quæ ab Ecclesia Romana vel aliis seu Imperio obtinet, ne deinceps se Regem Romanorum vel electum intitulet, and the 1st Oct. fixed as the term within which he must without fail appear before the Pope.

was still more inflamed by the reconciliation of Lewis with Frederick (March, 1325),¹⁹ and the refusal of the latter, notwithstanding the repeated suggestions of the Pope,²⁰ to break his word. The pretended successor of St. Peter now gratified his revenge by the desolation of the Mark of Brandenburg, with which Lewis had very lately invested his son,²¹ the heathen Lithuanians being called into this Christian work.²²

¹⁹ And so much the less inasmuch as the Pope evidently aimed at transferring the imperial crown to Charles IV. of France, cf. *Albert. Argentin. Chron.* p. 123: Convenerunt autem Francus et Lupoldus (brother of the imprisoned Frederick) in Bare, ubi multa, et præsertim contra Ludovicum tractaverunt, Papa eis annuente. Convenerunt et principes ecclesiastici, nuncii Papa et Franci, ac Lupoldus in Rens prope Confluentiam, ac — diu tractaverunt de Franco in Imperatorem promovendo. Sed per fratrem Berchtoldum de Bucheck, Commendatorem domini Teutonicorum in Confluentia, fratrem domini Matthiae Moguntiensis Archiepiscopi, principaliter extitit impeditum: de quo eum secretariis Papæ Joan. Decanus Moguntiensis detulit, quod ipsum post mortem Matthiae Moguntini ab ipsius fratris Berchtoldi provisione retraxit.

²⁰ The treaty see in *Gewold*, p. 89; and in *Oleneschlagener Urkundenbuch*, S. 129. Frederick resigned his claim to the empire and bound himself to help Lewis against the Pope.

²¹ The Pope wrote to Frederick dd. 4th May, 1325 (in *Raynald.* ad h. a. no. 2): Sane quia multorum habet opinio, quod in relaxatione hujusmodi ad multa Deo infesta, tibique inexpedientia et Rei periculosa publicæ Te præmissionibus, — juramentis ac pœnis — duxeris astringendum: nos super hoc de salubri providere remedio cupientes — ea ex officio nostro cassa et irrita, et nulla esse penitus declaramus; — Tibique nihilominus in virtute sanctæ obedientie ac sub excommunicationis pœna — districtius inhibentes, ne ad ejusdem Ludovici Rebelli et excommunicati quoquo modo redire carcerem, aut sibi — obedire præsumas. He also invested Frederick anew with the rights of the papal candidate for the empire (*Raynald.* l. c. no. 5): though all the time he secretly continued his efforts to secure the imperial crown for Charles IV. king of France. To him he writes dd. 30th Jul. 1325 (l. c. no. 6): res sic sunt dispositæ, ut regium possit ad prius desiderium adimpleri. — Tepidas Regia multum negotio obfuit, quia et nos reddit et reddidit tepidos et morosos. — Excutiat circumspetio Regia quæso hunc torporem, et operetur, dum ad hoc intendat, dum dies est.

²² Lewis' act of investiture (see *Ludewig Reliqu.* MSS. T. II. p. 262 seq.; T. X. p. 642 seq.) was declared void by the Pope, and the Brandenburgers commanded under penalty of excommunication and interdict, to refer obedience to their new prince (see *Raynald.* ann. 1325, no. 8).

²³ Jo. *Vitoduranus* in *Thesaur. hist. Helv.* p. 32: De Johanne Papa exscrable factum fidelibus in perpetuum displicibile præcedentibus subnecto. Quotiens ego hoc recogito et in mente revollo, flere mili potius, quam aliquid dicere, fore censeo: nam timor et tremor et rigor me quodammodo concutunt et tenebræ contingunt. Nam in quibusdam Christianitatibus, ut fertur, extremitatibus, Teutonicis cruciferis diffuse dominantiibus, Paganorum truculentam rabiem eos contingentium coercientibus, et refrinantibus, ne per suas invasiones et incursiones pestiferas fidelium terris, quantum gliscunt, nocere possint, Dominus Papa in mandatis districtissime dedit, quatenus ipsos per terram suam liberum transitum habere sine rent, ut in vindictam et injuriam Imperatoris ad terram filii sui demoliendam, vocatam Brandenburg, accessum habere possent Qui jussioni Papali contrarie pertinente, inviti cum ejulatu, ut ita dicam, amarissimo Paganis transitum pro suo libitu indulserunt. (Quidam ajunt, Papam hæc demandasse Regi Graagogiæ, et quia sibi in hoc paruit, Regem eum fecit, qui ante Dux unus Polonia fuit). Qui venientes ad terram prænominationem immanissima sc lera auditu horribilia commiserunt. Armati enim in multitudine incredibili ex insperato ad terram memoratam supervenerunt bestiali mente, indomito ac agresti more ipsam vastantes, nec in hoc eis sufficerit, quin etiam mulieres certatim temerarent coitu nefario, ipsis quoque

In the mean time Lewis had so far confirmed his authority in Germany, that he could think of attacking the Pope in his most vulnerable point, namely, in Italy (A. D. 1327). In vain did John resort to the dreadful fifth process.²³ The accusations of the Minorites rendered powerless his spiritual weapons, Lewis passed victorious through the north of Italy,²⁴ and whilst the Pope was preaching a crusade against him²⁵ was crowned at Rome (January 17, 1328), and having deposed John,²⁶ appointed a Franciscan, Nicholas V., to succeed him.²⁷

mamillas absciderunt, Ecclesias diruerunt, Altaria destruxerunt, corpus Christi in seriniis super aris reconditum sustulerunt, et sibi lanceas suas infixerunt, blasphemando dicentes : Ecce Deus Christianorum in nullo se defendere valens.

²³ Processus quintus of 3 Apr. 1327, in *Martene thes.* T. II. p. 671 : — declaramus ipsum Ludovicum privatum feudis omnibus, quæ a Romana Ecclesia, vel Ecclesiis aliis, seu ab Imperio obtinebat, et specialiter Ducatu Bavariae, — exponnendis vel concedendis catholicis, si, prout, et quando, ac quibus, vel de quibus sedes apostolica duxerit ordinandum, principalis Domini jure salvo : — Vasallos quoque ipsius a juramento fidelitatis — expressius nuntiantes eos absolutos. Et quia excommunicatus pro fautoria hæreticorum excommunicationis sententiam sustinuit per biennium et ultra animo indurato, idecirco declaramus præfatum Ludovicum fore manifestum hæreticorum fautorem, ipsumque pœnas onines a canonibus inflictas talibus incurrisse (see above, § 86, note 16; compare below, § 97, note 28). — At the same time dd. 9 Apr. 1327 (I. c. p. 692) various followers of Lewis, especially Marsilius and Johannes de Janduno, were excommunicated by name. They were afterwards more at length condemned as heretics on the 23 Oct. 1328 (I. c. p. 704).

²⁴ cf. *Villani* X. c. 15 seq. *Albert. Mussati* Ludov. Bavarus in *Muratori* X. p. 770 seq.

²⁵ dd. 21 Jan. 1328, in *Martene thes.* II. p. 716 seq. Omibus vere pœnitentiibus et confessis, qui dictum Ludovicum ejusque complices — expugnabunt, et super hoc per annum — laborabunt, Ecclesiæ sequendo vexillum, tam clericis quam laicis, — illam concedimus veniam peccatorum, quæ concedi — proficiscentibus in terræ sanctæ subsidium consuevit, et in retributione justorum salutis æternæ pollicemur augmentum. Eos autem, qui non per annum integrum, sed per ipsius anni partem in hujusmodi Dei servitio laborabunt, juxta qualitatem laboris et devotionis affectum participes esse volumus indulgentiæ supradictæ.

²⁶ Apr. 18, 1328. see *Villani* X. c. 68. Ludovici IV. Imp. processus contra Jo. XXII. in *Baluzii* vitæ PP. Aven. II. p. 512 : Ludovicus Dei gratia Romanorum Imp. et semper Augustus ad perpetuam rei memoriam. Gloriosus Deus in sublimi — sacerdotium et imperium independenter principians et conservans, ut hoc quidem divina exerceat, illud autem ut humanis præsideat, — nos Ludovicum IV Romanorum Imperatorem — in principem super hereditatem suam inunxit, ut de manibus inimicorum suum populum libereamus. Eapropter ex imperialis celsitudinis debito excessus enormes Jacobi de Catureo, qui nunc se Papam Johannem XXII licet mendaciter asserere non veretur, dissimulatione diuturniori nullatenus sufferre valentes — celeri cursu in Italianam venimus ad sedem nostram præcipuum, Romanam videlicet, properantes. Then the crimes of the Pope are enumerated, viz. Simony, the excitement of revolt, (Ex quibus profecto evidenter agnoscamus, sacrum Imperium — per hunc *mysticum. Antichristum*, qui se Papam nominat, si quod absit effrenis ejus rabies ultra procederet, irreparabiliter exterminari), the laying waste of Brandenburg by heathen, and most of all the assumption of the supreme temporal power, contrary to the teaching of Christ (cui etiam Decretista asserunt, dicentes, Papam non habere utramque jurisdictionem), and his absence from Rome. Quapropter cum hic prævaricator nefarius divina dispositionis ordinem sacerdotio et imperio præstitum publice impugnaverit, statu sui vicariatus abutens enormiter, dum gladio sanguinis uti præcepit pro gladio spiritus, quod est verbum Dei; hinc est, quod zelo justitiae atque reipublicæ, — auctoritate nobis in hoc casu cælitus ordinata contra quoslibet fidei et veritatis sanctæ matris Ecclesiæ turbatores, —

But Italy proved the ruin of Lewis as it had been of so many other emperors. The insufficiency of his own resources, and the fickleness of the Italians, compelled him to withdraw again into Germany (A. D. 1329),²⁸ and the papal party gained so decidedly the advantage, that the forsaken Pope of the emperor was soon delivered up to his rival (A. D. 1330).²⁹ The emperor was followed to Germany by new maledictions,³⁰ which now made a deeper impression than before,³¹ on account of the recent events.³²

propter quod etiam secundum Apostolum non sine causa gladium portamus, — prædecessorum nostrorum, videlicet Ottonis primi, qui cum clero et populo Romano Johannem XII depositum de papatu, et cum clero et populo de alio pastore urbi et orbi providit, et aliorum quamplurium Imperatorum vestigiis inhærcere volentes, ipsum Jacobum in hæresi deprehensem, cum ex facti evidentia, quia hæresim publice predicat, perfectionem altissime paupertatis in Christo penitus denegando, ex quo sequeretur, Christum non fuisse perfectissimum viatorem, qua ex confessione propria, ut liquet ex inquis et temerariis vocatis processibus ab ipso contra saerum Imperium in nostra persona factis, — eo quod indigne gerit et gessit vicariatus officium, — a Christo privatum esse — denuntiamus, nostræque imperialis auctoritatis sententia episcopatu Romano et universalis Ecclesiæ Dei seu Papatu tenore præsentium privamus, et ab eodem deponimus in his scriptis, sententia lata de communi consilio — cleri et populi Romani, nostrorumque Principum et Ecclesiæ Prælatorum, tum Alamannorum quam Italicorum. — Unde et sæpedictum Jacobum omnis ecclesiastici ordinis prærogativa nudatum — subjicimus sæcularis nostrorum ministrorum arbitrio potestatis, — ubicumque deprehensus fuerit, velut hæreticum animadversione debita puniendum. In a second Sententia dated the same day (l. c. p. 522) John is condemned as a hæreticus notorius et manifestus et excommunicatus.

²⁷ May 12, 1328. *Villani* X. c. 71 seq.

²⁸ *Villani* X. c. 96 seq. In Pisa he was joined as late as 1328 by a number of strict Minorites, who had fled from Avignon, and amongst them the most distinguished of the order, Michael de Cesena, General of the order, William Occam and Bonagratia de Bergamo, who always afterwards continued with Lewis, *Contin. Chron. Guil. de Nangis in d'Achery spicil. T. III. p. 88. Wadding. Annales Minorum ann. 1328, no. 17.*

²⁹ *Villani* X. c. 162. *Bernardus Guido* in secunda vita Joannis XXII. ap. *Baluz. Vita PP. Aven. I. p. 143.*

³⁰ Processus sextus of 20 Apr. 1329 (in *Martene thes. II. p. 771*), which condemns Lewis as a heretic, quod damnata hæresin, — quod Christo et Apostolis in rebus, quas habuerant, nullum jus competierat, sed tantummodo in eis habuerant usum facti, asserere presumserat temere et publice, and because, asserens errorem, — quod Imperatori licebat Papam deponere, contra nos depositionis de facto præsumxit sententiam promulgare. On the 25th June he commanded a crusade against Lewis to be again proclaimed in Italy (l. c. p. 777). On the 27th Jan. 1330, he renewed the prohibition to render obedience to Lewis (l. c. p. 787).

³¹ Especially by the creation of a new Pope who had so soon been forced to abjure his errors before John, see *Jo. Vitoduranus* in the Thes. hist. Helv. p. 28. Though no ways inclined to the Pope, he condemns the new choice, and supposes that Lewis and the Romans had perhaps wished to revive the old right granted by Hadrian to Charlemagne eligendi summum Pontificem et sedem Apostolicam ordinandi; sed non super petram, sed potius super arenam — adficassent. Quia — successores Caroli memorati præfato juri longe ante istius renuntiaverunt tempora.

³² *Jo. Vitoduranus*, l. c. p. 29: Ex tunc plures civitates — abstinuerunt se a divinis, et interim Clerus graviter fuit angariatus et compulsus ad divina resuenda, et plures annuerunt, non verentes latam sententiam, nec ultionem divinam. Multi etiam erant inobedientes, et ob hoc de locis suis expulsi, et sic tandem facta fuit lamentabilis disformitas Ecclesiarum: quædam enim immunem se existimans ab interdicti censura in laudes divinas celebrando imperterritæ ac secure

Wearied by this untiring persecution, Lewis next resorted to new overtures of peace. But the Pope, now so completely in the power of Philip VI., king of France, from A. D. 1328, that he was forced to comply with his most extravagant demands,³³ rejected scornfully the humble advances of Lewis, made first through the friends of the emperor (A. D. 1330),³⁴ and then by the emperor himself (1331 and

Iaxavit ora; quædam vero e contrario interdicti poena se plexam reputans organa Domino canentia suspendit. Et illæ mutuo se sinistre judicabant, et quod mirabilis est, tacentes in divino cultu habito clausis januis mutuo sibi non communicabant, sed frequenter se excludebant, cantantes etiam se alterutrum vitaverunt.— Hæc autem diversitas lamentabilis causabatur non solum propter diversitatem conscientiarum,— sed etiam ex eo, quod Jurisperiti in iis requisiti diversimode canones juris ecclesiastici interpretabantur. See also Jacob v. Königshoven Elsass. Chronicke, S. 128.

³³ Philip secured the majority in the college of cardinals by constantly forcing, on the Pope new cardinals from France. On the 25th May, 1331, John writes him: Circumspectionem regiam volumus non latere, quod jam XX Cardinales, de quibus XVII de regno Franciae originem traxisse noscuntur, existant: but nevertheless he soon after had to make another French cardinal, the bishop of Autun, at the king's recommendation (*Raynald.* ann. 1331, no. 33, 34).— In particular the French kings made the crusades a pretext for demanding money from the church. Thus Charles IV. demanded 6 Mill. librarium Turonensium of John (*Raynald.* ann. 1323, no. 10); but received for answer: summam prædictam— dividere inter omnes— difficile nimis nobis.— Philip VI. again offered to undertake a crusade, 1331, but demanded of the Pope (*Villani* X. c. 196) tutto il tesoro della Chiesa, e le Decime di tutta Christianita per sei anni, pagando in tre anni, e in suo Reame le investiture e promutazione d'ogni benefizio Ecclesiastico; e ademandava titolo del Reame d'Arli e di Vienna per lo figliuolo, e d'Italia volea la signoria per Messer Carlotto suo fratello. In reply he was to be sure reminded that the kings of France had for 40 years taken tithes from the French church under this same pretext, and used these sums for other wars, but at the same time the Pope took every precaution to prevent his being displeased: he appointed him, 26th Jul. 1333, rector et Capitaneus totius exercitus Christiani, qui transfretabit, and devoted per universas mundi partes decimam ecclesiasticorum reddituum sexennalem—in utilitatem dicti passagii (*Raynald.* ad h. a. no. 3. cf. *Ughelli* Italia sacra. T. III. p. 537). In the Vita octava Bened. XII. (*Baluz.* PP. Aven. I. p. 241) it is said plainly of this pretext, afterwards urged again: quod tamen effectum non habuit, cum etiam propter delusiones præteritas minime fiendum communiter credereetur. To this period is probably to be traced also the papal ordinance, by which Italy is separated from the German empire (ap. *Baluz.* Vitæ PP. Aven. I. p. 704): provinciam Italiam ab eodem imperio et regno Alamaniæ totaliter eximentes, ipsam a subjectione communitatut et jurisdictionum eorundem regni et imperii separamus, — decernentes, ut nullo unquam tempore conjungantur; — ex eo præcipue, quod earundem provinciarum longa diffusaque potensio sic— impedit, ut unius regnantis viri — gubernationis officium non sufficiat. — Ac declarantes, regnum prædictum Alamaniæ a regno Franciae claris distingui terminis, — per nos — paterno amore provide distinguendis. The contemporary *Albericus de Rosate* Dict. Juris s. v. Italia and Papa mentions this ordinance with the remark: an potuerit illud statuere Deus novit: so that Baluzens' doubts of authenticity are without ground.

³⁴ Namely, John, king of Bohemia, and Baldwin, archbishop of Triers, and afterwards Otho, duke of Austria. See the two answers of the Pope, of 31 Jul. (*Raynald.* ann. 1330, no. 29 seq.; more complete in *Martene* thes. II. p. 800 seq.) and 21 Sept. (*Raynald.* l. c. no. 34 seq.). The conditions proposed were (*Raynald.* l. c. no. 35. *Martene*, l. c. p. 801): Primo quod (*Bavarus*) cum effectu deponet suum hæreticum antipapam. Secundo quod penitus recedet ab appellatione. Tertio quod omnia, quæ fecit seu attentavit contra sanctam personam domini nostri Papæ ecclesiamque Romanam, revocabit cum effectu. Quarto quod recognoscet, se excessisse et sententias excommunicationis ipsum ligasse. Quinto

1332);³⁵ till the persecuted prince seems to have been for a short time resolved, as his only resource, to abdicate the throne.³⁶ A new heresy, of which the Pope was now accused,³⁷ once more revived the

quod gratiae nostri Papae se offeret ad misericordiam. — Hæc omnia sic intelliguntur, quod Bavarus in honore et suo statu remaneat, scil. in regno et imperio. The Pope's answer: Nescitis quid petitis! — Impossibile enim est ipsum remanere in honore imperiali et regio sine novi juris acquisitione, cum honorem et dignitatem non habeat. — Offerimus, si ad gremium ecclesie redire voluerit idem Bavarus, sicut debet, ipsum benigne recipere nos paratos, cique tantam et talem impartiri gratiam, quod tu et principes supradicti poteritis merito contentari.

³⁵ The emperor's petition, and the instructions for the ambassadors, dated Oct. 1331, in *Gewold*, p. 118 seq. *Oleneschlagers Urkundenbuch*, S. 180 ff. Lewis declares his readiness to submit to any conditions consistent with his honor and the right of the empire. — Concerning the second imperial embassy, A. D. 1332, see the contemporary *Heiurici Mon.* in *Rebdorff annales* (ed. Cbr. *Gewold*. Ingolst. 1618. 4to.); and in *Freher-Struve*, T. I) ad h. a., especially *Joh. XXII. Ep. ad Reg. Francie (Raynald*, ann. 1333, no. 28): Ut quæ nobiscum egerunt Bavari nuntii, celsitudo regia non ignoret, ecce quod quia mandatum sufficiens non habebant, oblataque per ipsos erant insufficientia ad ea, quæ idem comiserat Bavarus comperta, et quæ petebant per nos sibi fieri, erant omnino obvia rationi, tractatum cum eis habere renuius, etc.

³⁶ *Heinricus de Rebdorff* ad ann. 1334. *Quinta vita Joh. XXII. Baluz.* T. I. p. 176. *Raynald*, ann. 1334, no. 20 seq.

³⁷ He had preached publicly on the 1st Advent, 1331 (Cont. *Guil. de Nangis* in *d'Archery Spicileg.* T. III. p. 95), quod animæ decendentium in gratia non videant Deum per essentiam, nec sint perfecte beatæ, nisi post resumptionem corporis, an opinion which, it is true, agrees with the oldest fathers (see Vol. I. § 52, note 33. *Münschers Dogmengeschichte*, Bd. 2. S. 405; Bd. 4. S. 413), but which had been forsaken since the 5th century (*Münscher*, Bd. 4. S. 414), and together with others, condemned by the university of Paris, A. D. 1240 (*d'Argentré collectio judiciorum de novis erroribus*, T. I. p. 186). The greater part of the Court submitted to the opinion of the Pope; only an English Dominican, Thomas Walleis, attacked it on the 27th Dec. in Avignon (*Guilelmus Thorn Chron. de gestis Abbatum s. Augustini Cantuar. in Scriptt. X hist. Anglicanæ*. London, 1652. *d'Argentré*, l. c. p. 316), but was put in prison. The Pope now wished to establish his doctrine in Paris by means of two Mendicant monks, A. D. 1332, (*Cont. Guil. de Nangis*, l. c. p. 96), but here it met with much opposition: the king referred it to the decision of the university, by which it was decided on the 2 Jan. 1333 (*d'Argentré*, l. c. p. 316 seq.), quod a tempore mortis Domini nostri Jesu Christi, per quam pretium redemptiois humani generis extitit persolutum, omnes animæ ss. Patrum, quas idem salvator noster ad inferos descendens eduxit de limbo, cæterorumque fidelium animæ, quæ de corporibus exierant, nihil habentes purgabile, vel quæ jam in Purgatorio sunt purgatae, ad visionem nudam et claram, beatificam, intuitivam et immediatam divinae essentiæ et benedictissimæ trinitatis, — quam Apostolus 1 Cor. 13 nominat visionem facie ad faciem, erunt assumptæ, ipsaque Deitate beata perfectly fruuntur; et jam quod crediderunt videntes, quod speraverunt tenentes, non in spe sed in re sunt beatæ. Quamquam dicta visio, quam nunc habent, resumptis corporibus minime evacuabitur, alia succedente, sed ipsamet in eis, cum sit carum vita æterna, perpetuo remanebit: taking for granted, in order to leave the Pope a chance to clear himself, that he had promulgated the contrary opinion only recitando, not determinando, asserendo seu etiam opinando. This decision the king sent to the Pope (Cont. *Chron. Guil. de Nangis*, p. 97), mandans sibi a latere, quatenus sententiam Magistrorum de Parisius, qui melius sciunt, quid debet teneri et credi in fide, quam *Juristæ et alii Clerici*, qui parum aut nihil sciunt de theologia, approbare, et quod sustinentes contrarium corrigeret. According to *Petrus de Alliaco* declaration in Council. Eccl. Gall. ann. 1406, the king even caused it to be conveyed to the Pope, qu'il se revoquast, ou qu'il le feroit arde (*Bulæi hist. univ. Paris.* T. IV. p. 238). The answer of the Pope, of Nov. 18, 1333, shows plainly enough the relation in

drooping courage of his opponents, but death saved him from the general council which the emperor had nearly arranged.³⁸

§ 97.

BENEDICT XII. (December 20, 1334 – April 25, 1342), **CLEMENT VI.** (May 7, 1342 – December 6, 1352).

The desecrated chair of St. Peter was next ascended by the good Benedict XII., who, though well disposed to throw off the disgraceful yoke of French influence,¹ found it already too firmly fixed, whilst

which he stood to the king (in *Raynald.* ad h. a. no. 46) : He understood that the king had caused it to be decided by certain Magistros in theologia, ut, quod animæ sanctæ ante suorum resumptionem corporum videbant clare divinam essentiam, prædicarent, and it was even said, quod illos, qui hoc facere renuebant, capitulareras satis dure. Ab aliis vero audivimus, quibus fidem prorsus adhibemus, quod præceptum tale seu inductio ab ore regio non processit; sed ut princeps zelator veritatis — aliquibus, qui forsan dicebant seu fingebant, se propter metum aliquem non audere talia prædicare, dixisti, quod metu cujusquam personæ non sinerent veritatem — prædicare. Hoc profecto dicere decebat et decet regiam majestatem. Cum autem hanc quæstionem b. Augustinus interdum in scriptis suis reputaverit valde dubiam, et circa eam variasse dicatur, et nedium ipse, sed et multi doctores alii circa istam materiam varient; propter hoc, ut veritas possit melius aperiri, nos interdum in nostris sermonibus mentionem habuimus, non proferendo verbum de nostro capite, sed dicta scriptura: sacræ et sanctorum: — multique — coram nobis — pro et contra de ista materia sunt locuti. — *Et quia, fili dilectissime, forsitan tibi dicitur, quod nos non sumus in theologia magister,* audi quid unus sapiens dicat: Non quis, inquit, sed quid dicat, intendit. He offers the king his collection of passages on this subject from the fathers and the S. S. Profecto, amantissime fili, si, quæ circa istam materiam aliqui scriperint et dixerint, sciret tua magnificèntia, merito miraretur: It was said of the king, that he had declared for the opposite opinion, multisque communiat sunt religiosis et sacerdibus sub umbra tui culminis, si partem illam, quod animæ separatae divinam essentiam non videant [defenderent], — quod illos capi facerent per inquisitorum hereticæ pravitatis. But the Pope did not believe this: quia scimus, quod in his vel aliis ut elucidetur veritas intendas, rogamus benevolentiam regiam, ut — magistris in theologia Parisiis legentibus facias nuntiari, quod — quilibet dicere et disputare et prædicare valeat, quod sibi juxta doctrinam evangelicam — disputandum videbitur et etiam prædicandum, donec aliud ordinatum per sedem fuerit Apostolicam: — sic enim ad veritatem quæstionis prædictas poterit promptius perveniri. The obstinate old man resisted to the last: for his retraction, supposed to have been issued by him on the day before his death, 3 Dec. 1334, but which was first published by his successor, 17 March, 1335 (*Raynald.* ann. 1334, no. 35 seq.), did not satisfy even his contemporaries. Cont. Chron. *Guil. de Nangis*, l. c. Joannes Papa — errorem de beatitudine animæ, quam ipse diu tenuerat, — insufficienter tamen, ut aliqui dicunt, moriens revocavit. Hence Benedict XII. 29 Jan. 1336, had to issue a full decision on the subject (*Raynald.* ad h. a. no. 3). — Comp. *Bulæus hist. univ. Paris.* T. IV. p. 235 seq. *D'Argentré collectio judiciorum de novis erroribus*, T. I. p. 314 seq.,

³⁸ The indignation of the Italian cardinals at the complete subjection of the Pope to French influence disposed them to listen to overtures from the emperor and the Minorites, by whom he was surrounded; and their leader, cardinal Neapoleo, had almost concluded a treaty with Lewis, when the Pope died, see *Raynald.* ann. 1334, no. 31.

¹ *Albertus Argent.* (who was in Avignon in 1338, as ambassador of the bishop of Strasburg, cf. chron. p. 129) p. 125: Benedictus XII. — sic ut a Joanne Papa

all his councils were ruled by Philip through the preponderance of the French cardinals. In this way he found himself foiled in his purpose of returning to Italy,² as well as in his attempts to bring about a reconciliation with Lewis.³ For, having commenced negotiations with the emperor, and Lewis showing himself ready to make concessions, Philip constantly found means to prevent any actual union.⁴ At length Lewis resolved to meet this secret enemy in the

discrepabat in statura (ille enim fuit pallidus, statura et voce pusillus, iste in corpore maxiinus, facie sanguineus, et voce sonorus), ita et in moribus discrepabant. Ille ad magnificandum et ditandum consanguineos, ad regnandum nobilibus, et exaudiendis eorum petitionibus, ad vestiendum annuatim plus quam LXX comites et milites intendebat: iste de talibus non curavit. Dixit enim: absit, quod rex Franciæ, si per consanguineos super me ditaretur [*dominaretur?*], me sicut prædecessorem meum ad sua quævis vota coartaret. — Fuit — theologorum summus, sed nullus in jure, quem inter omnes a longissimis temporibus justissimum æstimabant. — Huic Benedicto in principio creationis suæ Philippus rex Franciæ mittens legatos, audacter, quasi nihil sibi denegare auderet, petit inaudita: inter alia scilicet, ut filium suum primogenitum — faceret regem Viennæ, quod se faceret vicarium Italæ, quod sibi per totam Christianitatem daret decimam decimorum per decennium, ut sibi daret totum ecclesiæ thesaurum in subsidium terræ sanctæ. Not only did Benedict reject all these demands, but John XXII. having granted the king the tithes of his kingdom, for the prosecution of a crusade, (*Prima vita Bened. XII. in Baluz. I. p. 200*) quia dictum passagium non habuit effectum, dictus Benedictus Papa concessionem decimorum hujusmodi revocavit. — Nam idem Philippus voluit plus intendere ad dictum guerram (against the king of England) prosequandam, quam ad dictum passagium faciendum.

² *Raynald.* ann. 1335, n. 3 seq.

³ See *Jac. v. Königshoven*, S. 129.

⁴ *Albertus Argent.* p. 126. The first imperial embassy (April, 1335) inquired, qualiter et sub qua forma redire deberet, et sub quibus articulis absolutionem et gratiam petere, and returned from the emperor cum illis articulis et mandatis sufficientissimis. They were received by the Pope with the friendly assurance (2 Oct.), se et fratres suos de hoc, quod nobilis ramus ecclesie, Alemannia, qui se in persona domini Ludovici lœdi per ecclesiam æstimans, jam ab arbore ecclesiæ separari cœperat, eidem arbori cum tam magno honore sedis redintegraretur, plurimum gratulari: multum commendans Alemanniam et dominum Ludovicum, quem nobiliorem mundi dicebat: conquerens regi Italianam per tyrannos, ac regnum Armeniæ capi a Paganis, — ac terram sanctam propter Imperatoris parentiam occupari: unde merito dixit absolutionem eidem impertiri se debere, quæ et dari crastino sperabatur. Verum prædictus rex Franciæ, et rex Siciliæ — omnes quasi Cardinales a proposito averterant præconcepto. Venerant enim ad impedientum factum ad curiam duo archiepiscopi, duo episcopi et duo comites ex parte regis Franciæ, et totidem ex parte regis Roberti, proponentes erroneum esse, tantum hæresiarcham præponere dominis eorum ecclesiae fideliissimis; Papamque cavere debere, ne fautor hæreticorum diceretur. (During the disturbances Philip had got possession of certain cities of the emperor's, which, in case of a reconciliation, he would have been obliged to restore. *Raynald*, ann. 1335, no. 7. *Jo. Vitoduranus*, below, see note 14). Papa vero dicente: *quid volunt domini restri, quod non sit Imperium?* illis vero proterve dicentibus: *Pater, non impingatis hoc dominis nostris vel nobis, quod non dicimus; quia contra imperium non loquimur, sed contra personam Ludovici damnatum:* cumque dicerent, Ludovicum multa contra ecclesiam fecisse, Papa dixit: *immo nos fecimus contra eum: ipse enim cum baculo venisset ad pedes prædecessoris nostri, si voluisse, sed ipse noluit eum recipere: et quicquid ille fecit, quasi provocatus fecit.* Quantumcumque autem Papa assereret, se meliora pacta ab ipso Ludovicus pro prædictis regibus, eorum regnis et posteris extracturum, quam si eum in turri tenerent, penitus nil profecit. Rex Franciæ etiam in terra sua undique bona et redditus Cardinalium interdixit et occupavit. Scriperant etiam illis diebus ad Curiam Joannes rex Bohemiæ et Heinricus dux Bavariæ, gener ejus, quod de auxilio

field, and to this end entered into an alliance against Philip with Edward of England (July, 1337).⁵ By this step he at once enlisted in his favor the national feeling.⁶ The embassy sent to Avignon by the convention of bishops, assembled at Speyer by Lewis' faithful adherent, Henry of Virneburg, archbishop of Mentz,⁷ having only served to show more plainly the utter inability of the Pope to act for himself,⁸ the Diet assembled at Frankfort, and declared the various

Hungariæ et Cracoviæ regum et aliorum alium vellent constituere regem Romanorum potenter. Et sic Cardinales Papam pro tunc ab absolutione principis retraxerunt, dicentes, cum sui in partibus suis vellent eum destituere, inconsultum esse Sedi, si propter impotentem et inopem tot Principes offensaret. Sic dato alio termino deliberationis nuncii Principis infecto negotio sunt reversi. (See the letter which Benedict gave them to the emperor, in *Raynald*, ann. 1336, no. 29). — When he heard afterwards of Lewis' success, the good Benedict was rejoiced, gloriabatur — dicens ad Cardinales: isti dicunt eum esse destitutum, sed quis adhuc ingressus est locum suum? He himself introduced new negotiations: misit autem Papa solemnum legatum ad Ludovicum, Episcopum Magalonensem, qui mores et motum Principis erga ecclesiam indagaret. On this Lewis sent another embassy to Avignon in October, 1336, with the fullest commission to make all required confessions and promises which the court of Rome might demand (see *Raynald*, ann. 1336, no. 31 seq.) namely, ad deponendum — nomine nostro et pro nobis titulum imperiale Romæ per nos receptum, — ad pronittendum, — quod super omnibus prædictis excessibus — faciemus confessionem plenam, propria in persona petemus humiliter veniam, ac offeremus et suscipiemus emendam. Item ad supplicandum vice et nomine nostro — pro absolutione, et pro nostra assumptione et in integrum restitutione ad famam, honorem et statum, et interdicitorum in Alemanniæ partibus remotione, et singularium personarum absolutione. Item ad promittendum — vice et nomine nostro, — quod nomine satisfactionis, pœnæ et emendaç ac pœnitentia per nos commissorum effectualiter assumemus passagium ultramarinum, prout vestra Sanctitati videbitur expedire, et quod ibi manebimus, quantum vestra Sanctitas duxerit ordinandum. Item ad promittendum, — nos ecclesias et monasteria ædificaturos, prout vestra Sanctitas ordinabit. Item quod suscipiemus et perficiemus pœnitentias alias quascumque atque pœnas, quas vestra Sanctitas pro dictis excessibus nobis duxerit injungendas. At the same time, to provide against hindrance from this quarter, Lewis concluded a treaty with Philip (see the documents in *Leibnitii Cod. jur. gentium*, p. 148 seq.). Nevertheless, however, *Alb. Argent.* p. 127: Quantumcunque Benedictus Papa ad absolucionem Principis niteretur, in prædictis tamen Franciæ et Apuliæ regibus, et quasi omnibus Cardinalibus, seductis per eos, assensum habere nequivit. Unde tandem legatis Principis sæpe ad Curiam venientibus, quibus et legati regis Franciæ plures in Curia verecundias (insults) inferebant, in tantum quod nullum poterant habere finem respondit, asserens sibi hoc non a homine sed a s. Spiritu inspiratum.

⁵ The documents in *Rymer*.

⁶ This was seen when, after a long dispute between Baldwin, archbishop of Tiers, and Henry of Virneburg, for the archbishopric of Mentz, the former, through the mediation of the emperor, A. D. 1337, had given up his chair (*Albert. Argent.* p. 127): capitulum vero, — adhærentes Imperatori, prædictum Henricum archiepiscopum, ligantem se primo Principi, retentis in manibus Capituli sex castris et abjuratis per eum ne variare posset, — concorditer receperunt, qui et postea ferverter Ludovico adhæsit.

⁷ Their letter to the Pope of March 27, 1338, in *Schaten Annall*. Paderborn. p. 287, and in *Olen schläger Urkundenbuch*, S. 186.

⁸ The archbishop of Mentz being under sentence of excommunication, the ambassadors received only verbal answers from the Pope, which were afterwards communicated to the archbishop of Cologne (*Raynald*, ann. 1338, no. 3), namely, that the absolution of Lewis was hindered only by the sudden departure of his ambassadors, impatientes adhibenda in tanto negotio debitæ gravitatis, that the

decrees of the Pope against the emperor void and without effect.⁹ From hence the electors repaired to Rense (July 15, 1338), and there solemnly declared that the king of Rome received his power and dignity wholly from the choice of the electors,¹⁰ which declaration was soon after made the law of the realm.¹¹ The defenders of the imperial cause now ventured to resume their pens, especially William Occam and Leopold of Bebenburg.¹² Public opinion was

emperor must send a new embassy, but especially, quod illa, per quæ præcipue reconciliatio sua poterat impeditri, erat assumptio guerræ — contra Regem Franciæ, — quod nos — eudem Regem dimittere non possemus, — cum Reges Franciæ nunquam dimiserint ecclesiam. On the other hand, it is related by *Albertus Argent.* p. 127: Cum Papa Benedictus nuncios recepisset benigne, in aurem nunciis quasi flens conquerebatur, quod ad Principem esset inclinatus, et quod rex Franciæ sibi scriperit certis litteris, si Bavarum sine ejus voluntate absolveret, pejora sibi fierent, quam Papæ Bonifacio a suis predecessoribus essent facta.

⁹ *Jo. Vitoduranus*, p. 49: Qui disentientes causas et motiva singula tam Papæ quam Imperatoris, diligenterque examinantes, et acutum intellectus luce clarius onnia speculantes et perserutantes per se, principaliter vero per Imperatoris Legistas et Canonistas valentissimos, principalissime autem per fratrem Bonagratianum, almarium seu serinium totius juris, consequenterque per cunetus Prælatos, cæterumque Clerum ibidem congregatum, repererunt, Imperatorem cuneta, quæ debuit, sufficienter peregisse, et sibi aditum et accessum omnis gratia et justitia interclusum, et obstructum, et indiscrete temereque penitus denegatum. Sententia erga matura et unanimi Principes etiam jurejurando præstito determinaverunt, omnes processus, a Domino Papa contra Dominum Imperatorem latos, indebitos, et prorsus nullius fore roboris vel momenti, sed eos irritos et inanes, et ab æquitatis lance penitus alienos. Adstruxeruntque eodem jurejurando sententia diffinitiva, per totam terram Imperii — divinum cultum, diu indebitæ — interdictum et suspensum, legitime liceteque omni serupulo conscientiæ depo-ito debere resumi. Decreverunt nihilominus, totum Clerum ubilibet in regno seu imperio Imperatoris constitutum, qui adhuc non resumpsisset divina, compellendum ad resumendum cultum divinum diu intermissum, et si renueret, et contumaciter parere despiceret, tanquam hostis Reipublicæ esset acriter puniendus.

¹⁰ The first Diet (see *Gewold*, p. 146. *Oakenschlägers Urkundenbuch*, S. 188). The electors gave the Pope notice of their proceedings (see their letter in *Herwart*, p. 744. *Oakenschläger Urkundenbuch*, S. 190), and at the same time that they had resolved in opposition to the sententias et processus, quos Joannes P. XXII. de facto contra Deum et justitiam et juris ordinem fulminavit: quod vacante Romano Imperio is, qui eligitur concorditer, vel a majori parte Principum Electorum, pro Rege Romanorum ab omnibus est habendum. Et quod nec nominatione, approbatione, confirmatione, consensu, vel auctoritate Sedis Apostolicæ super administratione bonorum et jurium Imperii indiget, sive titulo Regis assumendo, quodque jura et bona Imperii administrare et gubernare poterit, et de jure et consuetudine, nulla Sedis Apostolicæ super hoc licentia habita vel obtenta. For the history of this Diet, see especially *Pfeffingeri Vitriarius illustratus*, T. I. p. 667 seq.

¹¹ On the 8th of August, 1338, the emperor passed two laws. In the first *Lieet jura utriusque* (in *Leibnitii Cod. jur. gent. P. I.* p. 148. *Pfeffinger*, l. c. p. 668. *Oakenschlägers Urkundenbueh*, S. 189), he confirms the declarations of the electors; in the second (in *Freheri Scriptt. Rer. Germ. T. I.* p. 655. *Oakenschläger*, S. 193), a long treatise from the pen of Bonagratis, he declares the papal sententias null and void, and forbids their observance. These imperial ordinances were confirmed at the Diet in Frankfort, in March, 1339 (*Goldast* constitt. Imper. T. III. p. 411).

¹² Especially *Gnil. Occam* compend. errorum Joannis P. XXII. (in *Goldasti Monarchia*, T. II. p. 957 seq.) and *Lupoldi de Bebenburg* (afterwards bishop of Bamberg, † 1363) tract. de juribus Regni et Imperii ad Balduinum Archiep. Trevir. (in *Schardii syntagma tractatuum de jurisdictione imperiali*. Basil. 1566, and *Argent.* 1609. fol.).

now entirely in Lewis' favor, and those of the clergy who wished to observe the interdict were no longer able to retain their places.¹³

But all these advantages were lost through the inconsistency of Lewis.¹⁴ He first allowed himself to be seduced by the arts of the French king into desertion of his allies, and sued once more for the papal forgiveness (A. D. 1341).¹⁵ When he found himself again

¹³ *Jo. Vitoduranus*, p. 49: *Exiit ergo edictum a Cæsare Augusto Ludovico, ut universa pars orbis sibi subjecta vel subjicienda sub obtentu gratiae sue divinum cultum resumeret incunctanter; quod sui officiales, præ-sides, advocati sibi seriosius commendatum ad terras suas in litteris Imperatoris secum deportantes, fideli executioni mandarunt, præcipientes singulis civitatibus et aliis locis advocatione sua vel jurisdictioni subjectis per minas et terrores, jussionem regis urgente per omnia observari.* Quod cum cleris aliquarum civitatum una cum civibus effectui mancipare aliquot dierum spatio minime curasset vel sprevisset, tandem cives habito consilio super hoc, ad corredeentes vel recognoscentes durum fore contra stimulum calcitrare, valenter jubebant per civitates proclaimari: quicunque clericus tam religiosus quam sæcularis divinum cultum apertis januis, pulsatis campanis habere vel resumere contemneret, extra civitatem in perpetuum vel ad tempus fieret, vel si quis animo fugiendi divina civitatem exiret, usque post decenium se sciret irremediabiliter exterminatum ab illa civitate, oppido, villa, cœnobio vel loco quoque; relinquentes tamen et indulgentes clericis octo dierum, vel citra manendi vel recedendi, deliberandi spatium. Multi igitur diversorum ordinum clerici et pauci sæculares, aliis cantantibus, de locis suis discedebant, hinc inde vagantes, et in locis aliorum dominorum ad divina resumenda non coactis se recipiebant, et ibi nomen psallentium in tantum maculaverunt, ut more stercoris vel lutti fœtidi abjecerentur, et ipsorum communio, familiaritas, conversatio, missa, oratio, prædicatio, absolutio et quæque clavium auctoritas execrabilis haberetur. E contrario remanentes, et Domino præcinentes, tacentes et recedentes, tanquam recordes, erroneos, pertinaces, fatuos et rebelles occulte et manifeste persecuebantur, et eos coram hominibus vitandos et detestandos tanquam perversores et dilaniatores latere, nihilominus tanquam venenosos et contagiosos, et adinstar canis rabidi fugiendos affirmarunt. Utraque pars alteram desipientem, vel una alteram scismaticam, rumpentem et scindentem tunicam Christi integrum et inconsutilem judicabant. Multi vero de numero exeuntium ducti post medium annum penitentia locum suum ardentissimo desiderio repetebant, sed indultum eis non erat, quia fere tota universitas juramenta in eorum exitu in contrarium emiserunt, videlicet ut nullus eorum facultatem vel possibilitatem regrediri haberet ante finem termini eis super hoc præfixi: unde factum est, ut inviti cum amaritudine maxima mentis extra remaneant, qui voluntarie ac improvide exierunt. — Muta diu labia in vocem cantus et laetitiae cultus divini sunt resoluta, et organa per multa annorum curricula suspensa relaxata sunt in melodiam harmoniam.

¹⁴ How little assistance he rendered the English, see in Olenschlager, S. 300. *Jo. Vitoduranus* ad ann. 1339 et 1340, p. 55: si Imperator promissum suum exhibuit Regi Angliae servasset, — contra Regem Francia præliaturus procedendo, et regnum ejus intrando, procul dubio, ut verisimile est, regnum Francia cum Rege suo penitus debellasset, et civitates imperiales imperio recuperasset, et consequenter Papam Benedictum XII. tunc Ecclesiæ præsidentem benevolum et propitium ad Perficiendum omne voluntatis sua desiderium invenisset. Nam Rex Francia — Papam sibi subactum, quam diu in Avenione demoratur, cohabet et refrenat, ne Imperatori aliqualiter condescendat, ne bona Imperii surrepta et sibi usurpata (see note 4) eum amittere contingat. Cum autem Ludwicus, ut supra dixi, remissus et negligens, pavidusque existat ad præliandum contra suum adversarium, — bonum taliter suum et imperii consequenter neglexit: maluit enim in Alemania sibi valde subdita confessor esse, quam in Francia, ut timuit, martyr fieri. Fortunatus enim valde erat, et multa bona sine prælii certamine adeptus erat, etc.

¹⁵ *Alb. Argentin.* p. 128: Post haec misit Francus nuncium et literas Imperatrici, filia sororis suæ, quam dominam Alemanniæ scripsit, ut inter ipsum et Prin-

deceived, he seemed determined to cut off all hopes of reconciliation by an encroachment on the acknowledged rights of the Pope. In order to bring Tyrol into his own family, he dissolved the marriage of Margaret Manltasch by his own authority,¹⁶ and bestowed her on his son Lewis, Margrave of Brandenburg (February, 1342), giving himself the necessary dispensation on account of their too near consanguinity.¹⁷

Notwithstanding all the learning¹⁸ with which this step was defended, such an interference in the rights of the church lost for Lewis the confidence of the people,¹⁹ whilst it drew upon him the envy and jealousy of the princes by the increase of his family influence.²⁰ Thus new weapons were put into the hands of the ambitious Clement VI.,²¹ an ancient enemy of Lewis,²² who had now succeeded the

cipem concordiam, si posset, ordinaret, et sibi nuntium, de quo Princeps confideret, de concordia attentanda destinaret. Et missis hinc inde plures nunciis et litteris inter Principem et Francum, interpositis juramentis et confessis litteris liga perpetua est firmata, in qua ipse Francus Principem cum sede apostolica reformare juravit. Et sic Princeps per Francum et in tota Francia post hæc et Parisiis scriptus est et nominatus Imperator. — Missis sèpius nunciis Imperatoris una cum legatis et literis Franci ad Papam pro reformatione Principi, Papa Benedictus nunquam Ludovicum principem ad Arbitrium Franci nunc hæreticum, nunc christianissimum haberi debere, respondit. Et protracto variis occasionibus negotio Francus, ut credebatur, quod noluisset, simulavit se velle; Benedictus vero, quod voluisset, simulavit se nolle.

¹⁶ See the document in *Goldasti Monarchia*, T. II. p. 1383. *Freheri Scriptt.* Rer. Germ. T. I. p. 620.

¹⁷ The document in *Goldast. l. c.* p. 1385; in *Freher*, l. c. p. 621. e. g. Papa Romanus super impedimento affinitatis sanguinis per dispensationem tollendo — ad suam auctoritatem asserit pertinere: ac in talibus matrimonii plures dispensaverunt de facto præteriti quidam Pontifices Romanorum. Quod si talis gradus affinitatis sanguinis matrimonium legitimum impedit legis divinæ seu Christianæ præcepto, non posset aliquis hominum, quinimo neque angelus de cœlo, dictum impedimentum per dispensationem aliquo modo amovere. — Ex quibus quidem manifeste apparet, ac fateri cogitur Romanus Episcopus, — quod si gradus affinitatis sanguinis, quamquam licitum matrimonium, impedit fieri, hoc tantum factum esse præcepto sive statuto legis humanæ, de cuius siquidem legis præceptis sive statutis dispensare solummodo pertinet ad auctoritatem Imperatoris seu Principis Romanorum.

¹⁸ *Guil. Occam* tract. de jurisdictione Imperatoris in causis matrimonialibus in *Goldasti Monarchia*, T. I. p. 21; and *Marsilius Patavini* tract. de jurisdict. Imp. in causis matrimon. *Ibid.* T. II. p. 1383.

¹⁹ *Alb. Argent.* p. 129: Sieque Ludovicus princeps filium Joannis regis Bohemiae uxore et dominio spoliavit, *inconsuetum et horribile facinus attentando*. Filium namque ad hoc maleficii genus induxit invitum, quod videlicet uxorem sui consanguinei in tertio gradu, non separatam ab ullo judice ecclesiæ, ipsamque suam consanguineam non uxorem, sed mœcham traduxit. — O idolorum servitus avaritia, quæ tantos principes confudisti, ex quibus iterum inter Bohemos et Principem et filios suos non immerito livor edax et odia suscitantur. *Jo. Vitoduranus*, p. 58: tota terra illud matrimonium multisfariam multisque modis diris vocibus inculpavit.

²⁰ Olenschlager, S. 318 ff.

²¹ *Matteo Villani* III. c. 43 (*Muratori Scriptt.* Rer. Ital. T. XIV. p. 186): Costui fu natio di Francia, e Arcivescovo di Ruem (Rouen), e grande amico e protettore del Re Filippo di Francia, e per lui, innanzi al Papato, e poi che fu Papa, assai cose fece. — Huono fu di convenevole scienzia, *molto cavalleresco, poco religioso*. Delle femmine, essendo Arcivescovo, non si guardò, ma trapassò il modo de' secolari giovani Baroni: e nel Papato non se ne seppe contenere, né

good Benedict (May 7, 1342). The first attempt to renew negotiations with him ended in another bull of excommunication, April 12, 1343.²³ The effect of this was so apparent in Germany, that Lewis resolved to comply with all the requisitions of the Pope; but his offer to this effect was answered by new requisitions.²⁴ That these demands were inconsistent with the imperial rights was readily conceded,²⁵ but the willingness with which his subjects had once espoused the cause of their emperor had now given place to a general disaffection towards a prince whose personal character seemed to be the cause of all their

occultare: ma alle sue camere andavano le grandi Dame, come i Prelati, e fra l'altre una Contessa di Torenna fu tanto in suo piacere, che per lei faceva gran parte delle grazie sue. *Albertus Argentin.* p. 133: *Hic ab antecessor sui moribus multum distans, mulierum, honorum et potentiae cupidus — ipse Francus Franco ferventer adhæsit.*

²² *Albert. Argent.* p. 133: *Qui cum adhuc esset Rotomagensis, Parisiis in præsentia Franci et Bohemi publicum sermonem faciens, ipsos contra Principem, quem nominavit *Baurum*, animavit, interpretans nomen *baurus* i. e. nesciens tergere barbam, quia tantam dixit esse fœditatem oris sui, quod ipsam abjicere non valeret.* Instead of *Baurus* should be read *Bavarus* which he derived from bava, French bave, slaver, as bavara is a bib.

²³ *Raynald.* ann. 1343, no. 43 seq.

²⁴ *Albert. Argent.* p. 133: *Missisque iterum per Principem literis et nunciis ad Curiam et ad Francum ad sciscitandum causam impedimenti reformationis, cum ipse paratus esset omnia facere, quæ sibi injungerentur a Papa: datoque responso per Francum, quod diccretur per Papam, quod non peteret eo modo gratiam, quo deberet; nuncisque (prout in mandatis habebant) dicentibus, quod daretur eis forma procuratorii Papæ placens, secundum quam, qualisunque esset, se petituros dicebant: conceptum est procuratorum turpissimum et rigidissimum (the same is related by *Gewold*, p. 181. *Oleneschlager's Urkundenbuch*, S. 226), quod non credebant Ludovicum sigillatum, etiamsi captus fuisse. Dabatur enim in eo potestas Humberto Delphino, avunculo Principis, item Augustensis et Babenbergensis ecclesiarum præpositis, item M. Ulrico cancellario suo, in solidum confitendi omnes errores et hæreses; item resignandi Imperium, nec resumendi, nisi hoc fieret de gratia Papæ, et se ac filios suos, ac bona ac statum suum in manus et voluntatem Papæ ponendi, et multa insolita faciendi. Verum Princeps mandatum hujusmodi non solum sigillavit (see the document of 18 Sept. 1343, in *Gewold*, p. 173. *Oleneschlager*, S. 234), sed etiam coram tabellione, misso per Papam, se servaturum nec revocaturum juravit. De quo Papa ipse et Collegium mirabantur, dicentes intra se: *iste homo diffidentia est perplexus.* Illisque quatuor procuratoribus juxta formam mandati jurantibus, ac pro articulis injunctionis et pœnitentiae denuo instantibus, nec sine articulis abire volentibus, tandem Papa de consilio Collegii articulos, quos Principem facere voluit, qui non tangebant personam ejus, sed statum Imperii, assignavit. Amongst these articles (see *Gewold*, p. 195. *Oleneschlager*, S. 241) we find: *Concedit suis Procuratoribus potestatem pronunciandi, confitendi, nulla et falsa — omnia dicta et gesta sub Imperatorio aut Regio titulo; — item ejusmodi facta et negotia omnia, et unumquodlibet horum, tanquam injuste facta et gesta, revocandi, nullandi, — item promittendi sua vice, et nomine ejus et pro se, quod nihil faciet, ordinabit, aut mandabit sub Imperatorio titulo aut Regali, aut quivis alius illius vice, absque speciali concessione Sedis Romanae; — item promittendi sua vice, — quod non veniet, nec intrabit in terras Italiæ, nec quidquam in illis mandabit nec ordinabit — sine speciali concessione sedis Romanae; — item dicendi ac promittendi, quod si in præscriptis articulis — aliquid esset dubium aut incertum, — quod tunc V. S. et successorum vestrorum interpretationem admittet, et sicut V. S. intellexerit, et pronuntiabit quomodo intelligi debeat, huic inviolabiliter et cum effectu stabit.**

²⁵ *Albert. Argent.* p. 134: *illos articulos in perniciem et destructionem Imperii esse conceptos.*

troubles.²⁶ The Pope could thus reckon, in a degree, on the support of Lewis' own subjects, and he soon tried the experiment. The emperor having proposed an expedition into Italy in conjunction with Lewis of Hungary, to assist that prince in revenging the death of his brother Andrew, king of Naples, who had been murdered by his queen, the Pope took the guilty Joanna under his protection,²⁷ and hurled the thunders of excommunication at the unfortunate emperor (April 13, 1346), calling on the electors for a new choice,²⁸ and

²⁶ Immediately after the Diet of Frankfort the electors assembled for further consultation at Rense (*Albert. Argent.* l. c.): where all voices were raised against Lewis. *Jo. Vitoduranus*, p. 75: *Alii famant, quod Principes magnam displicitionem propter nimiam sui (Ludovici) humiliationem erga Papam conceperunt, quia culmini Regalis Imperialisque celsitudinis derogaret: et ideo expresse sibi in faciem restiterunt non assentiendo sed contradicendo aperte sua excessivæ ac indebitæ erga Papam humiliationi. Fertur quoque, quod iidem Principes ægre ferentes, et amaro animo sustinentes remissionem et negligientiam Imperatoris, tanquam causam destructionis Imperii, ab eo seriose postulabant, ut filium Regis Boemæ [Carolum Marchgravium Moraviæ] sibi subrogaret in Regem Alemaniæ. Quem recusans, filium Marchgravium Brandenburgensem pro Rege præsentavit: quem ipsi similiter abjicientes ab eo indignanter discesserunt. Regnum tantum perierit et debilitatum est sub te Bavaro, dixerunt ad invicem, quare summopere præcavendum est, ne deinceps ad Bavarios transferatur. Tamen, antequam ab invicem divellerentur, quemadmodum fama communis me instruxit, decreverunt concorditer cum Imperatore, quod ultra a Papa gratiam querere non attemptaret, quam totiens irrationaliter sibi senserat denegatam.*

²⁷ Joanna was generally considered guilty of the murder, or at least of having been accessory to it. Compare the contemporary Dominicus de Gravina de rebus in Apulia gestis (in *Muratori Scriptt.* Rer. It. T. XII). *Jo. Villani*, Lib. XII. c. 50. *Heinr. de Rebendorff* ad ann. 1345. — *Albert Argent.* p. 130, says even: *De quo criminis non solum uxor et princeps Taranti, sed et Papa et aliqui Cardinallium tenebantur suspecti; and Martinus Minorita* (in *Eccard corpus hist. medii ævi*, T. I. p. 1635): *Hoc flagitium multi æmuli Papæ et IV Cardinabilius suis impingunt; Papa vero in die sanctæ Cœnæ publice in Consistorio se de hoc crimine expurgavit, etc.* This suspicion seems, however, to have grown out of the course pursued by the Pope. In the investigation which he instituted, Joanna interfered vehemently in behalf of some of the accused, so that the Pope himself complains *prætermissum aliquorum sonium supplicium* (*Raynald.* ann. 1346, no. 51): he had promised the king of Hungary to institute a strict inquiry into Joanna's conduct; but the legate who was sent for the purpose was sent back by her (no. 58) without any punishment following on the part of Clement. On the other hand, he threatened the king of Hungary with excommunication, if he should commence hostilities against Naples (no. 56).

²⁸ Act of excommunication of the 13th of Apr. in *Raynald.* ann. 1346, no. 3 seq. Sane considerantes attentius, quod prædecessor noster in processibus suis Ludovicum declaravit schismaticum et hæreticum manifestum, — declarans eundem in omnes penas infictas schismatis et hæretici per sacros canones et catholicorum principum leges incidisse (§ 96, note 23): — alias ex penis ipsius tenore præsentium ad cautelam duximus exprimendas. Siquidem secundum condemnationem — prædecessoris ejusdem præfatus Ludovicus infamis existit, nec ad publica officia, vel ad eligendos aliquos ad ea, aut ad testimonium perhibendum, vel ad hæreditatem seu successionem alicujus est admittendus, nec testamenti habet liberam factionem; nullusque ipsi super quocunque negotio, sed ipse aliis est respondere cogendus: nulla causa ad ipsius sunt audientiam deferenda: sententia quoque per eum latæ nullam obtinet firmitatem: nullus advocatus in causis ejus patrocinium præstare, nullusque notarius pro factis sive causis ipsius publica debet confidere instrumenta. Omnis audientia est ipsi in quocumque negotio deneganda, omnisque proclamationis et appellationis beneficium ci est specialiter interdictum: universa ejus bona sunt perpetuo confiscata, ejusque filii et nepotes ad nullum

recommending to them the son of the king of Bohemia, under the name of Charles IV.²⁹ In order to secure for him the majority of

sunt unquam beneficium ecclesiasticum, nullumque publicum officium admittendi. Cunctis fidelibus cum dicto Ludovico, nisi pro ipsius conversione et animarum salute, est communio interdicta; ipseque moriens carere debet ecclesiastica sepulitura. Omnes sacerdotes potestates ipsum Ludovicum de terris eorum jurisdictioni subjectis pro viribus exterminare jubentur. Then follows the fearful curse: divinam suppliciter imploramus potentiam, ut Ludovici praefati confutet insaniam, deprimat et elidat superbiam, et eum dexteræ sua virtute prosternat, ipsumque in manibus inimicorum suorum et eum persequentium concludat, et tradat corruentem ante ipsos. Veniat ei laqueus quem ignorat, et cadat in ipsum. Sit maledictus ingrediens, sit maledictus egrediens. Percutiat eum Dominus amentia, et cæcitate, ac mentis furore. Cælum super eum fulgura mittat. Omnipotens Dei ira et beatorum Petri et Pauli, quorum ecclesiam presumpsit et presumit suo posse confundere, in hoc et futuro sæculo exardescat in ipsum. Orbis terrarum pugnet contra eum: aperiatur terra, et ipsum absorbeat vivum. In generatione una deleatur nomen ejus, et dispereat de terra memoria ejus. Cuncta elementa sint ei contraria. Habitatio ejus fiat deserta, et omnia Sanctorum quiescentium merita illum confundant, et in hac vita super eum apertam vindictam ostendant, filiique ipsius ejiciantur de habitationibus suis, et videntibus ejus oculis in manibus hostium eos perdentium concludantur. Porro quia Romanum Imperium — jam per longa tempora dignoscitur vacavisse; — nos hoc ulterius tolcreare nolentes, — omnes et singulos principes ecclesiasticos et sacerdotes, ad quos Regem in Imperatorem postmodum promovendum jus pertinet eligendi, præsentium tenore apostolica auctoritate nonnemus, districtius injungentes eisdem, quatenus sine mora dispendio pro electione Regis in Imperatorem postmodum promovendi de persona idonea facienda conveniant, et ad electionem ipsam procedere non postponant. *Alioquin sedes ipsa, a qua jus et potestas electionis predictæ ad principes pervenit eosdem, super hoc de opportuno remedio providebit.* A particular call on the electors dd. 28 Apr. 1346, *ibid.* no. 9 seq. In this de declares Lewis, Margrave of Brandenburg, incapable of taking part in the election: but to the other electors he says: illi ex vobis, qui propter favorem — Ludovici essent forsitan prædictis excommunicationum sententiis innodati, dummodo ab illis desistant, — ne dictum negotium (electionis) impediti valeat propter hoc, absolvantur juxta formam Ecclesiæ consuetam.

²⁹ During a residence of two years in Paris Charles had been in habits of intimacy with Clement, at that time Abbas Fiscanensis and counsellor of the king: he relates himself in the *Commentarius de vita sua* in *Freheri Rerum Boh. Scriptt.* Hanov. 1602. fol. p. 89: me multum caritative ac paternè confovebat de saera scriptura me sæpius informando. Afterwards on a visit to Avignon he resided with Cleinent, who, in the mean time had become cardinal and archbishop of Ronen (*Ibid.* p. 103): dixitque una hora mecum existens in domo sua: *tu eris adhuc rex Romanorum.* Cui respondi: *tu eris ante Papa.* Quod utrumque secutum est, prout infra describetur. See the conditions to which Charles had to agree in Avignon on the 22d of April, in *Raynald.* ann. 1346, no. 19 seq. e. g. promitto et juro, quod omnes processus factos, — et quæcunque alia — gesta per Ludovicum de Bavaria, per Ecclesiam de heresi et schismate justo judicio condemnatum — nulla esse ac cassa et irrita pronuntiabo et declarabo, illa etiam, quatenus processerunt de facto, annullando et penitus revocando. He then secures to the church all its possessions, also regna Siciliæ, Sardiniae et Corsicæ, quæ de directo dominio, jure et feudo ejusdem Romanæ Ecclesiæ esse noscuntur: — nec aliquod dominium, jurisdictionem, superioritatem, servitutem, potestariam, capitaneatum, vel aliud officium, quoconque nomine censeatur, accipiam vel vindicabo — in prædictis Roma, regnis, provinciis, ducatibus, comitatibus — et territoriis supradictis. — Promitto ut supra, quod ante diem, mihi pro coronatione imperiali præfigendam, non ingrediar urbem Romanam, quodque — ipsa die, qua coronam hujusmodi recepero — dictam urbem — exibo cum tota — gente mea, et — extra totam terram Romanæ Ecclesiæ me recto gressu transferam versus terras imperio subjectas, nuncquam postmodum ad urbem, regna predicta Siciliæ, Sardiniae, Corsicæ, — vel alias terras Romanæ Ecclesiæ, nisi de speciali licentia Sedis

the electors, he removed Henry of Virneburg from the archbishopric of Mentz (April 7), and bestowed it on Gerlach, count of Nassau.³⁰ With the other electors every art was put in requisition to secure them,³¹ and so successfully that Charles was really chosen, having received five electoral votes at Rense, on the 11th of July.³² This disgraceful proceeding only confirmed the rest of the electors in their adherence to Lewis,³³ who had so decidedly the advantage that the priest's emperor³⁴ had to take refuge in France.³⁵ And even after the death of this noble emperor (October 11, 1347),³⁶ Charles was by no means at once successful. The papal absolution which he brought with him for the German nation to

Apostolicæ accessurus. — Item si per Henricum Imp. avum meum, vel per jam dictum Ludovicum, seu per quemcunque alium — fuerint aliqua ad jurisdictionem pertinentia attentata in Roma, regnis, etc. promitto et juro, quod illa omnia decernam et prouuntiabo nulla: quodque si aliquæ fidelitates, homagia — donationes — seu concessiones qualescumque a prædictis domino Henrico et Ludovico — factæ fuerint vel receptæ pro Roma, regnis, etc. illa omnia nulla fore prouuntiabo, et quatenus processerunt de facto, totaliter revocabo. — Promitto etiam bona fide, quod intrusos in ecclesiis infra — imperium consistentibus, si — super hoc per vos dominum nostrum Papam — fuero requisitus, expellam ac pro posse faciam expelli de illis: et provisos per sedem Apostolicam juvabo et faciam juvari, ut ad ecclesiæ, quibus de eis per sedem Apostolicam provisum est vel fuit, in futurum realiter admittantur.

³⁰ Documents in *Raynald.* ann. 1346, no. 12 seq.

³¹ *Alb. Argent.* p. 135: pro quo facto prædicti Coloniensis et dux Saxonie magna pecunia sunt corrupti. cf. *Schatten Ann.* Paderborn. p. 310. That this is not a calumny, as is maintained by *Raynald.* ann. 1346, no. 31, is now clear from two documents of John of Bohemia, in Jun. 1346. In one he promises the elector of Cologne for his vote various grants from the emperor, namely, 100,000 marks of silver, and as a pledge therefor the city and free county of Dortmund, and the bailiwick of Essen, see *Bodmann* codex epist. Rodolfi I. Lips. 1806. 8. p. 339: in the second he promises to pay 40,000 reals (*Ibid.* p. 383). — The electors received also absolution from the Pope. *Raynald.* ann. 1346, no. 31. As to that, however, *Jo. Vitoduranus*, p. 78, relates as early as A. D. 1345: Tunc temporis religiosi et sacerdotes Clerici, qui divinum cultum in locis Imperialibus vel aliis interdicto suppositis resumperant, absolutionem ab hoc a Romana Curia impetrarunt, aliis Clericis in eisdem locis libere et absque pavore in celebrazione persistentibus. Hujusmodi autem absolutio pro uno floreno facilissime obtinebatur. O quam lamentabilis et execrabilis scissura et disformitas Ecclesie illis in temporibus facta est! Hoe verbum Evangelii: *gratis accepistis, gratis date,* irritum visum est.

³² The summons to the Diet was issued by the new Elector from Mentz on the 20th of May, see the document in *Bodmann*, p. 382. Concerning the election itself, see *Alb. Argent.* p. 135.

³³ *Alb. Argent.* p. 139. — *Jac. v. Königshoven*, S. 180.

³⁴ *Jo. Villani XII. c. 59:* per dispetto della detta elezione per li più si chiama lo' imperadore de' preti.

³⁵ *Jo. Vitoduranus*, p. 80: perterritus a cœpto itinere et opere resiliens, ad Regem Franciæ protinus refugiebat.

³⁶ It is remarkable that several of the later Popes, e. g. Eugenius IV., Innocent VIII., Alexander VI., also the council of Basle, speaks of him as *Divæ memoriae Ludov. Rom. Imperatorem*, see *Herwart* præf. p. VIII. He is most abused by *Bzovius* Ann. Ecl. T. I. P. I. p. 412 seq., who was answered by *Herwart* and *Gewold*, and compelled by Duke Maximilian of Bavaria to retract (see *Bayle* Dict. art. *Bzovius*). But *Raynald*, and even *Muratori* Annali d'Italie, T. VIII. mark the years 1314 — 1346 as vacante Imperio.

secure their favor, only awakened their contempt.³⁷ They wanted no emperor who was to be the minion of the popes, but one who would teach them to keep within their proper limits.³⁸ The Bavarian

³⁷ *Albert. Argent.* p. 142: *Venit autem Rex Basileam in vigilia Thomæ, anno Dom. 1348, ubi interdictum Papale diu servatum fuit, nec Basilienses eum recipere intenderant, nisi divina rehacerent. Et ecce in sero venit Marquardus de Randecie praepositus Babenbergensis de Curia Avinionensi, ferens commissionem factam Babenbergensi Episcopo, et absolutionibus et relaxationibus impendendis.— Summa autem commissionis Babenbergensi Episcopo factæ talis erat: Cum multi, qui sententias, processus et pœnas Joannis Papæ, inflictas adhaerentibus quondam Ludovico de Bavaria hæretico et de hæresi damnato, [incurrerunt], redire cupiant ad ecclesiæ unitatem: committimus tibi, ut, qui confessi fuerint errores suos confessatos et non confessatos, et pœnas, quas incidentur explicite vel implicite, et juraverint, deinceps fidem catholicam habere, et fideles fore sedi Apostolicæ, et nulli deinceps hæretico vel schismatico favere, et credere, quod non spectat ad Imperatorem, Papam deponere, et aliuni creare, sed hoc hæresim esse damnatam: et quod nullum pro Imperatore habebunt, nisi per sedem Apostolicam probatum, nec relicta (widow) et liberis ipsius Ludovici favebunt, nisi cum ecclesia reformatur, et Carolo Romanorum regi per sedem approbatu parebunt; ab hujusmodi sententiis et pœnis absolvus, ect.* (cf. *Raynald.* ann. 1349, no. 15). Visa autem forma hujusmodi dura omnibus displicente, aliqui consuluerunt, eam non acceptandam esse per Regem, sed occultandam, et pro alia forma Papæ scribendum. Sed quia timor erat, Basilienses non juraturos Regi, nisi reformarentur divina, rescriptum oportuit exhiberi. Cum autem cives nec errores vellent fateri, nec secundum formam jurare; clerici autem quasi pœnitentem quod cessavit, etsi non tam occasionem quereret celebrandi, animo nunquam mandata similia receptandi: ecce comparuerunt Magistri et Consules Basilienses coram Rege, et prædictis Episcopis; — coram quibus Chunradus de Berenvels magister civitatis, nomine universitatis vulgariter coram tabellione proposuit in hæc verba: Domine Bambergensis, sciatis, quod nec fateri nec credere volumus, quod quondam dominus noster Ludovicus Rom. Imp. unquam fuerit hæreticus. Queneunque etiam nobis dede- rent Principes Electores, vel major pars ex eis, pro Romanorum rege vel Imperatore, illum pro tali habebimus, etiamsi nunquam Papam requereret: nec quicquam aliud faciemus, quod sit contra jura Imperii quovis modo. Sed si habetis potestatem a domino Papa, quod vultis nobis remittere omnia peccata nostra, placet. Et con- vertens se ad populum, dixit: Datis mihi et Chunrado Monacho potestatem petendi, ut absolvamini a peccatis vestris? Qui dicebant: placet nobis. Nec aliud procuratorium habuerunt. Qui duo milites seorsum coram Secretario Papæ, Joanne de Pistorio præsente, juraverunt secundum mandati formam, sicut relaxatis processibus divina publice sunt reassumpta, civesque regi solitum præstiterunt juramentum. — Civitates autem, præsertim Argentina, exasperatae fuerunt propter formam hujusmodi. — When Charles came to Worms, where the Interdict had not been observed, the clergy accepted the offered absolution, and then wanted to refuse to conduct public worship: however, factus est tumultus, clausisque portis omnibus populus ad hospitium Regis, ad quod Bambergensis confugerat, armatus accessit, ipseque Bambergensis mandante Rege territo omnem clericum et populum Wormatiensem sine omni conditione et juramento absolvit. — Post hæc Rex ivit Moguntiam, ubi sub pacto ne introduceret Gerlacum provisum Papæ, vel aliquas legi literas permitteret, honorifice est receptus.

³⁸ This is seen in the expectation, now more lively than ever, of the return of Frederick II. to life (see § 87, note 26), as described by *Jo. Vitoduranus*, p. 85, ad ann. 1348, with which he closes, therefore from personal observation: In his temporibus apud homines diversi generis, immo cuncti generis multos valde asserrissime vulgabatur, Imperatorem Fridericum secundum hujus nominis ad refor- mandum statum omnino depravatum Ecclesiæ venturum in robore maximo poten- tatus. Adjiciunt quoque homines prædicta sentientes, quod necesse sit eum venire, si in mille partes secatus esset, immo si in pulverem per combustionem redactus foret, eo quod divinitus sit decretum ita debere fieri, quod immutari impossibile est. Secundum igitur istam assertionem cum resuscitatus ad Imperii sui culmen reversus fuerit, puellæ vel fœminæ pauperi in matrimonio junget virum divitem, et

party set up a rival candidate, Gunther of Schwarzbnrq,³⁹ Charles was forced to make every kind of concession for the sake of peace,⁴⁰ and submitted even to be chosen and crowned anew (July, 1349).⁴¹

In the mean time Joanna of Naples sold the county of Avignon to Clement (A. D. 1345), in order to get money for the war against the king of Hungary.⁴² Both parties at length consented to submit to the decision of the Pope. He decided in favor of Joanna, and she once more ascended the blood-stained throne (A. D. 1351).⁴³

e converso; moniales et sorores in sæculo degentes maritabit, monachos uxorabit; pupillis, orphanis, viduis omnibus et singulis spoliatis res ablatas restituet, cunctisque faciet justitiae complementum. Clericos persequeatur adeo atrociter, quod coronas et tonsuras suas stercore bovino, si aliud tegumentum non habuerint, obducant, ne appareant tonsorati: religiosos, qui denunciando processus Papales contra eum, præcipue fratres minores, ipsum de Imperio repulerant, de terra fugabit. Post resumptum Imperium justius et gloriósius gubernatum quam ante, cum exercitu copioso transfretabit, et in monte Oliveti, vel apud arborem aridam (*Matth. xxi. 19*) Imperium resignabit.

³⁹ *Alb. Argent.* p. 145 — 152.

⁴⁰ Amongst others (*Jo. Vitodur.* p. 48) relaxatio interdicti, dispensationes, absolutions ab excommunicationibus, suspensionibus, irregularitatibus contractis et ab aliis censuris ecclesiasticis. Hæc beneficia administrabant hominibus Prælati plures in diversis partibus terræ Teutoniae, quibus Papa ea commisit. Hæc autem gratiae tantum impertiebantur hominibus Regi juratis a Prælati. Even the Margrave Lewis of Brandenburg was gained at last, *Heinr. de Rebendorff* ad ann. 1349: comitatum Tirolis et omnem terram quam tenuit in Alpibus concessit, et apud dominum Papam obtinere promisit dispensationem super matrimonio cum filia Ducis Carinthiæ — per ipsum defacto contracto; — ac multos alios casus apud sedem Apostolicam et alios terminare promisit. This last promise, however, was not so easily performed: it was not till 1359 that Lewis received absolution, and then only on confession (*Raynald.* ad h. a. no. 7 seq.).

⁴¹ O lenschlagers Staatsgeschichte, S. 411.

⁴² The licentious Joanna, without waiting for the papal dispensation, had married her near relative, Lewis of Tarentum, on the 20th of Aug. 1347 (see *Jo. Villani XII. c. 98*, in *Muratori XIII.* p. 976. *Matth. Palmerius* de vita Nicol. Accioli. *Ibid.* p. 1207), and having been driven from Naples by the king of Hungary, came now to Avignon to ask for aid. She still resisted every attempt to investigate the murder of her husband (*Raynald.* ann. 1348, no. 11); but the sale above-mentioned was thought sufficient to justify the Pope in bestowing the dispensation for her marriage: *Tertia vita Clementis VI* (*Baluz. Vitæ, PP. Aven. T. I. p. 292*): *Regina autem cum filio Principis Tarentini matrimonium propria auctoritate contraxit, qui se secundo gradu consanguinitatis attingebant. Tandem ad Romanam curiam venientes pro dispensatione obtinenda, obtinuerunt. Ipso vero multum gravati super expensis, non inveniebant consilium de quo possent ad locum proprium [redire]. Quod dictus Pontifex circumspectus et providus velut Argus advertens, tanquam ille quem zelus domus Domini comedebat, opportunis exquisitis tractatibus et cautis intermedii viis, civitatem Avenionensem — omni modo juris meliori quo potuit emit a Regina predicta pro pretio invicem concordato. Et sic Regina et ejus socius per venditionem hujusmodi pecunia redundantes simul in regnum redierunt.* *Matth. Palmerius*, p. 1208: *jura Dominatus, quæ Regina in civitate populumque Avenionensem habebat, Romano Pontifici vendidit, et ab eodem tunc primum Pontifice Ludovicus titulos Regios accepit.* The price was 80,000 gold guilders, the document, dated 9th Jun. 1348, in *Bzovii Ann. Eccl. ad h. a. no. 10.* *Leibnitii Cod. jur. gent. P. I. p. 200.*

⁴³ *Matth. Villani II. c. 24, 41, 65.* *Raynald.* ann. 1350, no. 27; 1351, no. 32; 1352, no. 1.

§ 98.

INNOCENT VI. (December 18, 1352 – September 12, 1362), URBAN V. (October 28, 1362 – December 19, 1370), GREGORY XI. (December 30, 1370 – March 27, 1378).

Though the long-continued contest between the popes and Lewis of Bavaria had spread abroad much sound knowledge concerning the church and its concerns,¹ there was still a great want of concert, and, for the most part, of firmness amongst its opponents; whilst, as yet, there was no common centre of union, nor any feeling of security and strength. Hence we find that even during the contest the better convictions of the understanding were not unfrequently sacrificed to political considerations, and its issue, apparently so entirely favorable to the popes, seemed to warn the princes anew that the time for the final struggle had not yet arrived. On the other hand, the popes began to feel that the chief prop of their power, public opinion, was undermined. And we see the influence of this feeling on their conduct. They no longer treated royal sinners, as, for example, Peter the Cruel, king of Castile,² with the same implacability they had

¹ Especially in France. It was there the universal opinion, since the time of Philip the Fair, that the church had no power over the prince, which was shown in full 1370, by *Raoul de Pralles*, Conseiller et Maître de Requesites at the command of Charles V., in the *Tract. de potestate pontificali et imperiali seu regia* (in *Goldasti Monarchia*, T. I. p. 39). Still more to the purpose is the *Somnium Viridarii de jurisdictione regia et sacerdotali*, dedicated to Charles V. by a contemporary, (a Latin translation in *Goldasti Monarchia* I. p. 58; the French original in the *Traitez des Droits et libertez de l'église Gallicane*, T. II. p. 1), in which the usurpations of the Pope and the clergy are attacked by a soldier, and defended by a priest. The views of the former, who even goes so far as to maintain the original equality of all bishops, and the gradual growth of the papal power, according to Marsilius Patavinus (see above, § 96, note 13), are plainly those of the author, and are supported by altogether the strongest arguments. It is true that at the end, the Somnians leave all to the judgment of the Roman church: illud credo, teneo et firmiter profiteor, quod ipsa sacrosancta eccl. Romana credit, tenet atque profitetur: necnon et illud teneo et credo verum, quod ipsa duxit statuendum in Extravaganti quæ incipit *Unam sanctam*: but the mention of the bull *Unam sanctam* to a king of France, seems almost like irony.

² Who, it is true, offended against the laws of God more even than the interest of the Pope. This monster, whose whole reign was a series of crimes, set aside his wife Blanca very shortly after their union, for the sake of a mistress, Maria de Padilla (1353), but soon after was divorced from this last also, by two of his bishops, and married again (*Raynald*. 1354, no. 21). This brought upon him an act of excommunication (*Ibid.* 1355, no. 29): and this being followed by serious troubles amongst his subjects, Peter again took Blanca to his bed, but only to put her away again immediately (*Ibid.* no. 31). The tyrant now heaped murder upon murder.—The Pope contented himself with remonstrances as far as concerned Blanca (*Raynald*. 1356, no. 38), but grew more in earnest when Peter proceeded to confiscate the estates of some of his cardinals (*Ibid.* 1356, no. 40).—He directed his efforts chiefly, however, to delivering his vassal, Peter of Arragon, from the Castilian yoke. A truce was effected by the interference of a legate. This having been broken by Peter, he came under the ban (*Ibid.* 1357): but the Pope nevertheless continued his efforts to induce him to make peace with Arragon by means of a new legate (*Ibid.* 1359). Peter listened to his propositions

shown towards Lewis, but were ready to be satisfied with the mere appearance of expiation.

In Italy, where the religious respect for the popes had long been declining, they seemed now to have none but a political consideration. Most of the cities of the papal territory having renounced their allegiance, the warlike Cardinal Giles Albornio was sent thither (A. D. 1353) to reduce them.³ Charles IV., who was at that time on his expedition to Rome, might easily have embraced such an opportunity of reviving the imperial rights in Italy; but, true to his promise, he was content with the empty splendor of two crowns, without attempting to assume the power which those crowns should have given him.⁴ The warlike prelate could, therefore, prosecute his undertaking unhindered. But in the attempt to complete his undertaking by regaining Bologna from the powerful Bernabo Visconti, the tyrant of Milan (A. D. 1360),⁵ he roused an adversary who was unrestrained by fear of church or pope.⁶ Urban V. did indeed hurl against him the thunders of excommunication, accompanied by the darkest accusations, and preached against him a crusade (A. D. 1363),⁷ but he soon after

only to gain time to make head against the Moors. The Pope's request that he would receive again his first wife, he answered by causing her to be poisoned (*Ibid.* 1361, no. 6). The peace with Arragon he soon broke, and massacred the inhabitants of Calatajuba for refusing to surrender to him immediately. The excommunication which ensued was soon forgotten (*Ibid.* 1362, no. 18); and Urban IV. loaded him with praises for offering his assistance against the robber-bands by which Avignon was threatened (*Ibid.* 1365, no. 7); although all the attempts of the popes to bring about a peace between him and Arragon (*Ibid.* 1364, no. 18) still continued unavailing.

³ Concerning which, see especially *Matteo Villani*, from lib. III. c. 84.

⁴ The disappointment of the Italians seen in *Petrarchæ Epist. 3 — 5* (in *Goldast Monarchia II.* p. 1350 seq.). Ep. III.: Ergo tu Cæsar, quod avus tuus innumerique alii tanto sanguine quesierunt tantisque laboribus, sine labore adeptus complanatam apertamque Italianam, patens limen urbis Romæ, sceptrum facile imperturbatum ac pacificum Imperium, incruenta diademata, — hæc linquis, et — ad barbarica rursum regna revolveris? Non audeo clare tibi dicere, quod mens resque exigunt, ne te verbo contristein, qui me et mundum facto contristas tuo. — O si in ipsis Alpium jugis avus tibi nunc paterque fiant obvii, quid dicturos putas? — Profecisti eximie, ingens Cæsar, hoc tuo per tot annos dilato in Italianam adventu, et festinato abitu refers demum istud ferreum, illud aureum diadema, simul ac sterile nomen Imperii. Ep. IV.: vercor, ne — jam Pontifex Romanus Principem Romæ esse vetererit, quod et fama loquitur, et fuga Cæsaris indicio est, qui non cupidius Italianum petit, quam reliquit.

⁵ In A. D. 1352 Clement VI. had been forced to give up Bologna to John Visconti, archbishop of Milan, and his family for twelve years (*Raynald*, ann. 1352, no. 7 seq.). The legate got it again from Bernabo before the expiration of this term by craft (*Matteo Villani IX.* 74 seq. *Raynald*, ann. 1360, no. 6 seq.).

⁶ See Jacob v. Konigshoven, S. 203.

⁷ See the Bull of November 30, 1362, in which Bernabo is summoned before the Pope, filled with the bitterest accusations (*Raynald*, ad h. a. no. 12), e. g. Robertum Archiepiscopum Mediolanensem, pro eo quod quendam monachum — noluerat — ad ordinem promovere, ad suam præsentiam accedere compulerat, omnique reverentia Dei et officii pontificalis, abjecta eidem Archiepiscopo sermonibus contumeliosis, multis ibide præsentibus, dixerat: *Genuflecte ribalte*; et cum sic genuflexus existeret, adjecerat: *Nescis, pultrone, quod ego sum Papa et Imperator ac dominus in omnibus terris meis, et quod nec Imperator, immo nec Deus posset in terris meis facere, nisi quod vellem?* — ipsumque Archiepi-

found it expedient to make peace with the reckless Italian on equal terms (A. D. 1364).⁸ At length Urban conceived the hope of bringing the affairs of Italy into order by his presence in Rome, and repaired thither A. D. 1367. But the French cardinals, for the most part, remained at Avignon,⁹ whither Urban himself very soon saw fit to return (A. D. 1370).¹⁰ This encouraged Bernabo Visconti to new attacks on the papal dominions. Gregory XI. put to the ban both

scopum deinde post multa ignominiosa opprobria sibi dicta in quadam camera recludi ausu sacrilego fecerat. — Per civitates, castra, villas et loca, quæ tenebat, fecerat etiam publice proclamari, quod nullus — sub pena concremationis ad dicti prædecessoris (Innocentii VI.), seu etiam — Apostolicæ sedis legati curias præsumeret accedere, aut inibi gratiam vel aliud impetrare, seu eidem prædecessori, aut dicto legato de aliquibus — respondere, aut dare consilium, auxilium vel favorem; quodque absque ejus vel cuju-dam sui familiaris Gerardoli nomine, quem vulgus Papam nominat, licentia nulla electio — seu provisio fieret in ecclesiis ac monasteriis: — Apostolicas et legatorum Apostolicas sedis ac inquisitorum hæreticæ pravitatis literas et processus, ac etiam literas clausas, quæ jam dicto prædecessori et eisdem Cardinalibus — de diversi mundi partibus mittabantur, aperiri, legi, et sèpissime lacerari, eorumque latores capi et carceribus mancipari. The Pope, moreover, complained, according to Raynald's Relation: varia crudelitatis genera a Bernabone in sacerdotes et viros religiosos injuste exercita, alios in cavae ferrea flammis exustos, alios in equuleo discruciatos, alios amputatos capite, etc. — eo etiam prorupisse, ut Parmensem sacerdotem turrim descendere, atque ex ea Innocentium VI. et Cardinales anathemate defixos proclamare cogeret: ad suam vero ac suorum satellitum avaritiam satiandam in bona ecclesiastica adeo grassatum, ut plures sacerdotum vectigalibus exuti divina ministeria abjecerint, etc. Bernabo paying no regard to this summons, he was condemned on the 5th of March, 1363. *Raynald*, ann. 1363, no. 2: — velut hæreticum condemnatus, decernentes, — eundem Bernabonem militari cingulo, ac omnibus honoribus, — bonis et juribus suis universis et siugulis forcis privatum, ac universis penis — promulgatis adversus hæreticos subjacere, et eum velut hæreticum, et ab ecclesia Dei præciscum ab omnibus Christifidelibus evitandum. cf. *Matteo Villani* XI. c. 41. The Bull for a crusade appeared in July (*Raynald*, I. c. no. 4).

⁸ *Raynald*, ann. 1364, no. 3. See the beginning of the treaty of peace: In nomine Domini Amen. Suborta dudum inter reverendissimum in Christo patrem et dominum Aegidium Episcopum Sabinensem A. S. L. nomine Romanæ ecclesiæ occasione vicarius civitatis Bononiensis ejusque dictrius et ex aliis causis, et magnificum dominum Bernabonem de Vicecomitibus Mediolan. gravis et nociva dissensio, et deinde inter eandem ecclesiam — et præfatum dominum Bernabonem — guerra pestifera inde secuta quasi totam provinciam Lombardie ac partes vicinas in discrimine posuerunt. Et tandem pro hujusmodi guerra sedanda — intervenientibus invictissimo domino, domino Carolo IV. — Imp. — ac serenissimis dominis, dominis Joannæ Franciæ, Ludovico Ungariæ, ac Petro Jerusalem et Cypri illustribus Regibus — partes ipsæ super concordia et pace hujusmodi convenerunt. — Amongst the conditions, according to Raynald's Relation; remissæ imprimis acceptæ illatæve injuria, thus all the censures before passed on Bernabo were repealed, and he was reinstated in all his honors. True he was forced to give up his possessions in Bologna, Modena, and Romandiola; but the Pope had to promise him 500,000 guilders as compensation.

⁹ Only five cardinals accompanied him (*Secunda Vita Urb.* V. in *Baluz*. I. p. 406), and even these broke out into lamentations as the fleet left Marseilles (*Petrarchæ rer. senil. lib. IX. Ep. 2 to Brunus*, a secretary of the Pope, in *Raynald*, 1367, no. 3): *O malum Papam, o patrem impium, quonam terrarum miseros filios rapit?* non quasi ad Christianitatis unicam ac supremam arcem urbem Romam, — sed quasi Ctesiphontem aut Memphis Saracenorum in carcere traherentur.

¹⁰ As he himself tells the Romans (*Raynald*, 1370, no. 19), ex certis causis non solum utilibus pro universalis Ecclesia, sed etiam urgentibus; but Petrarch (*Raynald*, I. c.) states distinctly that the cause was the urgency of the French cardinals.

him and his brother Galeazzo (A. D. 1372),¹¹ but, unfortunately, his long contest with the house of Arragon in Sicily, ending just at this time in his acknowledging Frederick III. as king of Trinacria,¹² gave his opponents fresh proof that the terrors of the church were not irresistible even in Italy. The discontented and oppressed cities of the papal territory soon renewed their declaration of independence, and formed an alliance with the Florentines and Visconti.¹³ Whilst Charles IV. was humbly acknowledging the newly-usurped rights of the popes over the imperial power,¹⁴ Gregory was shut out from his undisputed rights in Italy, in spite of all the terrors of excommunication¹⁵ and his own personal return to Rome (A. D. 1377).¹⁶ At

¹¹ *Raynald*, ann. 1372, no. 1 seq.

¹² Boniface VIII. had bestowed the island on Frederick II. only for his life-time (see § 59, note 30); but Frederick had nevertheless caused his son Peter to be crowned as his successor (*Raynald*, ann. 1321, no. 40). Frederick II. was put under ban and interdict on account of his connexion with Lewis of Bavaria (l. c. 1329, no. 88); and this continued under Peter II. (1337–42), Lewis (to 1355), and Frederick III., on account of their having no right to the crown; though without producing the desired effect. Joanna of Naples now made peace with Frederick (*Raynald*, ann. 1372, no. 5), and the Pope, with some conditions, confirmed it (*ibid.* no. 7 seq.). Frederick was to hold the island with the title of king of Trinacria, from Joanna as a fief, and from the Pope as the superior et directus dominus, and take the oath of allegiance to both.

¹³ Prima vita Gregor. XI. in *Baluz*. I. p. 434: Eodem tempore communitas Florentina contra dictum Gregorium Papam et Romanam Ecclesiam insurrexit, doloseque et malitiosae operata est, quod fere omnes civitates et loca alia, quæ ad dictam Ecclesiam in Italia pertinebant, ei se confederaverunt et colligaverunt, in unumque convenerunt, ut amodo excuso a se quoevere alio superiori vel domino, in sua libertate viverent et permanerent; factoque vexillo, in quo solum magnis litteris erat descripta *Libertas*, ordinaverunt magnam gentem armigeram, quæ cum vexillo hujusmodi dictæ ligæ adhaerere volentes confoveret, resistentes vero vi et potentia ad eam sectandanam comprimeret et arctaret.

¹⁴ He begged permission from the Pope, on the 6th of March, 1376, to have his son Wenzel chosen king of Rome, eum ad hujusmodi electionis celebrationem nobis viventibus procedi non valeat sine vestris beneplacito, assensu et gratia ac favore; and Gregory answered on the 3d of May: ut electio prædicta modo præmissa *hac vice duntaxat* valeat celebrari, nostrum beneplacitum assensum ac favorem et gratiam auctoritate apostolica tenore præsentium impertinur. See *Raynald*, 1376, no. 13. *Leibnitii Cod. jur. gent.* *Mantissa*, P. II. p. 260 seq.

¹⁵ The Bull against the Florentines of March 31 (in *Raynald*, ad h. a. no. 1 seq.) gives fresh example of what liberties the Italians allowed themselves to take with church and Pope. e. g. Inquisitorum hæreticæ pravitatis officium in ipsius libera executione impedites, statuerunt, quod non possit in eorum civitate — et districtu contra hæreticos nisi certo modo procedi; nec dicti inquisitoris familiares, nisi ad certum numerum et habita licentia corundem officialium temporalium arma deferre valeant ordinari; quodque priores artium et vexillifer dictæ civitatis in principio eorum officii de observandis iniquis eorum legibus contra dictum inquisitorum et ejus officium editis, teneantur præstare corporale juramentum. Ipsius quoque inquisitoris carcерem, in quo hæretici ponebantur, coneitato tumultu populi totaliter destruxerunt, et inquisitorem qui tunc erat expulerunt: et quamplurima alia statuta et ordinationes in præjudicium inquisitionis hujusmodi hæreticæ pravitatis et hæreticorum favorem, ac in ecclesiæ libertatis præjudicium ediderunt, et ea de facto servare non verentur; ac etiam ordinarunt, quod auctoritate literarum Apostolicæ sedis possessionem aliquis beneficii ecclesiastici — nullus recipere audeat, nisi prius literæ ipsæ prioribus et vexillifero dictæ civitatis præsententur, et licentiam obtineant ab eisdem; et quod quando clericus accusatur coram judice temporali, vel ab eo aliquid civiliter petitur, et allegat, privilegium clericale, quod ex

length he was forced, in spite of his boasted plenitude of power, to enter into negotiations with his opponents,¹⁷ by which, though interrupted by his death, peace was soon after restored.

hoc sit extra custodiam dictæ civitatis, ita quod quilibet possit eum impune offendere et occidere; omnesque allegantes hujusmodi privilegium clericale in quodam libro seu chartulario describuntur, ut pateat omnibus libera licentia offendendi eos et etiam occidendi. Et insuper dudum priores et vexillifer dictæ civitatis Florentinæ, qui tunc erant, ac populus et commune supradicti, spiritu furoris accensi, quendam Nicolaum monachum in sacerdotio constitutum quibusdam sceleratis viris, cum nullus officialis justitiæ partitum earundem de hoc se intromittere vellet, torquendum dederunt, qui monachum ipsum, in sua religionis et ordinis clericalis vituperium, ad ostendendum eum fore sacerdotem de novo radi fecerunt, et eum in quodam curru posuerunt, et cum tenaculis (books) igneis ipsius carnes evellentes, eas canibus projecterunt; et sic eum per civitatem Florentinam prædictam transundo, etiam prope ecclesiam cathedralem ad majus ordinis clericalis vituperium, usque ad locum ubi fures suspenduntur, deduxerunt: ipsunque coram populo clamantem, quod a sibi impositis innocens erat penitus et immunit, vivum sepeliri fecerunt atque mori. Then of the incitement of revolt in the papal dominions. Et a clero civitatis et diœcesis Florentinæ et aliarum terrarum, quas tenent, diversas pecuniarum summas importabiles, etiam omni humanitate prorsus abjecta, extorserunt; ac octo viros sceleratos, — quos publice octo sanctos appellant, ad rapiendum bona ecclesiastica deputarunt, qui ecclesias, monasteria, et alia pia loca, eorumque personas bonis suis spoliavit, et hujusmodi bona mobilia et immobilia vendunt et distrahunt pro libito voluntatis. Et insuper dilectum filium Lucam de Florentia ordinis fratrum Humiliatorum professorem, sacrae theologiae magistrum, ad revelandum et declarandum quemdam hominem, qui eidem peccata sua, et inter cetera quædam farta per eum commissa confessus fuerat, sigillum confessionis frangere coegerunt: ac deinde præfatum hominem, cuius peccata fuerant revelata, suspensi et mori fecerunt. Ad haec priores artium et vexillifer, — ac populus et commune civitatis Florentinæ venerabilem fratrem nostrum Lucam Episc. Narrensem, Apost. Sedis nuntium, quem specialiter ad partes dicti patrimonii detestinabamus, — injuriosis, violentis et saerilegis ausibus capere, et captum aliquandiu crudelissimo carcere detinere miserabiliter præsumpsérunt, etc. Besides excommunication and interdict, the following punishments were pronounced upon the Florentines: Et ne ipsorum temeritas transiret præsumptoribus in exemplum bona — quorūcumque Florentinorum, ubicumque consistentium, immobilia — confiscavimus: et personas ipsorum omnium et singulorum, absque tamen morte seu membra mutilatione, exponimus fidelibus ut capientium fiant servi, et bona eorum mobilia quibuscunque fidelibus occupanda. Then follow the other punishments usual with heretics, infamy, outlawry, forfeiture of the right on the part of their posterity to hold offices of honor. Of the effects of this Bull, see Prima vita Greg. XI. in *Baluz.* PP. Aveu. I. p. 435: Quorum occasione multi tam in Avinione quam aliis partibus collocati cum dannis et detrimentis innumeris ad propria redire sunt compulsi. (According to *Thomas Walsingham* de rebus Angl. the Florentine merchants in England were made slaves and their estates confiscated.) Ex quibus eorum communitas ad cor minime reversa est, immo fortius in sua malitia extitit indurata, continue pejora prioribus contra dictam Ecclesiæ procurando et machinando, libellos etiam diffamatorios, falsa tamen et erronea continentes, contra statum ipsius Ecclesiæ et personam dicti Papæ ubique transmittendo.

¹⁶ Which had been implored long before by St. Birgitta († 1373), (Revelatum, lib. IV. c. 139 – 143): Now, however (Prima vita Greg. XI. l. c. p. 437): fuit per litteras et nuntios speciales insinuatum dicto Gregorio Papa, quod, si ipse personaliter veniret ad Partes Italæ, confessim prædicta omnia recuperaret, et alia quæcumque præmissa ad statum debitum reducerentur. Hence the success of the similar representations of St. Catharine of Siena, whose attempts at mediation had before been frustrated by the obstinacy of the Florentines (Vita S. Catharinæ by her confessor, *Ruimundus Capuanus*, P. III. c. 8, in Act. SS. April. T. III. p. 956 seq.). See *Raynald*, ann. 1376, no. 10.

¹⁷ The first attempt was made in Florence, through the mediation of St. Catharine, at the peril of her life. See vita s. Cathar. l. c. p. 957. She declared, how-

II. ECCLESIASTICAL HISTORY OF THE POPES DURING
THEIR RESIDENCE AT AVIGNON.

§ 99.

COMPLETION OF THE CODE OF PAPAL LAW.

[Compare § 60.]

From the canons of the council of Vienna and his other decretals, Clement V. caused the *V Libri Clementinarum* (*Clementines*), the last authentic collection of the kind, to be compiled (A. D. 1313).¹ The later decretals have been only here and there preserved (*Extravagantes*).² The usual selection of them placed together in the common editions of the *corpus juris canon.* (namely, the XX. *Extravagantes* of John XXII. in 14 Titles,³ and the LXXIV. *Extravagantes Comunes* in 5 books),⁴ is no older than the edition of John Chapuis. Paris. 1500.

ever, p. 958, se non posse a territorio illo recedere quousque pax esset præconizata inter patrem et filios, sive dixit se habere a Domino in mandatis. The Pope's party at length triumphed, and soon after the accession of Urban VI. a reconciliation took place. Peace had already been made with Galeazzo Visconti, and soon afterwards with Bernabo.

¹ *Sexta Vita Clementis V.* (in *Baluz. PP. Aven.* I. p. 110) : Anno 1313, 12 Kal. April. — dictus Papa — in consistorio publico suas constitutions decretales, quas in Concilio Viennensi ordinaverat, publicari fecit, quæ hodie Clementinae vocantur : sed postea infirmitate preventus ad studia generalia per eum transmissæ non fuerunt, donec per suum successorem executioni demandata fuerunt. Clement sent them to the university of Orleans, which he had himself founded (see *Boehmer de Clementinis*, § IX.) ; but that he did not send them to the other principal universities is certainly very remarkable, since he lived a year after their publication, and other reasons are given for it besides the one just quoted. See *Aventinus Ann. Bojorum*, lib. VII. p. 462 : quod multa, quæ simplicitati Christianæ libertati religionis imponerent (comp. § 95, note 17), ibi continerentur (*Clemens*), publicare supersederat, atque animam agens aboleri jussérat. *Hæc a Wilhelmo Occomensi accepi.* It was not till 1317 that they were sent by John XXII. to the university of Bologna, as the fountain-head of the canon law ; see the Bull prefixed to the *Clementines*. They soon received a gloss and commentary (see *Lang Gesch u. Institutionen des Kirchenrechts*, Th. 1, S. 264) : the glossa ordinaria is by Johannes Andreae (see § 60, note 11). cf. *G. L. Boehmer diatr. de Clementinis* in his *Observatt. juris canon.* *Gött. 1791.* no. 1.

² See J. W. Bickell über die Entstehung u. d. heut. Gebrauch der beyden *Extravagantensammlungen* des Corp. juris can. Marburg. 1825.

³ Only a selection from the *Decretals* of this Pope, which, however, received a gloss as early as 1325 from the hand of Zenzelinus de Cassanis, in Toulouse. See Bickell, S. 7 ff.

⁴ In the editions before Chapuis, there are but few of the *Extravagantes* in various quantities and different arrangement. See Bickell, S. 14 ff. Chapuis brought all the more usual ones together (comunes i. e. tritæ), Bickell, S. 34. The oldest amongst them is by Urban IV. 1262, the latest by Sixtus IV. 1483, the most by John XXII. All of them have not a gloss. The most distinguished commentators of this period are : Joannes Monachus, afterwards cardinal, Guilelmus de Monte Lauduno, abbot in Poitiers, and Zenzelinus de Cassanis, canonist in Toulouse.

§ 100.

ECCLESIASTICAL USURPATIONS OF THE POPES DURING THEIR RESIDENCE IN AVIGNON.

The idea of the papal power, which had grown up in the preceding period (see § 61), was not, indeed, susceptible of further exaggeration, but it was now carried out in its most revolting absurdity¹ by

¹ e. g. *Augustini Triumphi Summa*, Qu. 6. Art. 1: Utrum a Papa possit appellari ad Deum? — Solus Papa dicitur esse vicarius Dei, quia solum quod ligatur vel solvit per eum, habetur solutum et ligatum per ipsum Deum. Sententia igitur Papæ et sententia Dei una sententia est, sicut una sententia est Papæ et adiutoris ejus. Cum igitur appellatio semper fiat a minori judice ad superiorem, sicut nullus est major seipso, ita nulla appellatio tenet, facta a Papa ad Deum, quia unum Consistorium est ipsius Papæ et ipsius Dei, cuius Consistorii claviger et ostiarius est ipse Papa. Nullus ergo potest appellare a Papa ad Deum, sicut nullus potest intrare ad consistorium Dei nisi mediante Papa, qui est aeternæ vitæ consistorio claviger et ostiarius, et sicut nullus potest appellare ad seipsum, quia una sententia est et una curia Dei et Papæ. Qu. 19. Art. 1: Utrum solus Papa sit sponsus Ecclesiae? — Papa, qui obtinet vicem Christi in tota ecclesia, universalis ecclesiae sponsus dicitur. Episcopus vero dicitur sponsus suæ diœcesis, presbyter autem sua parochiæ. Nec tamen propter hoc sequitur, quod sint plures sponsi unius ecclesiae: quia sacerdos sicut minister cooperatur Episcopo tamquam principali, et simul omnes Episcopi cooperantur Papæ, et Papa Christo. Unde Christus, Papa, Episcopus et sacerdos non dicuntur nisi unus sponsus Ecclesiae. Art. 4: Papa succedit Christo in officio et universalis jurisdictione, quia Petrus in persona omnium sumorum Pontificum recepit universalem jurisdictionem a Christo. — Quantum ad officium et universalem jurisdictionem Papa est Episcopus universalis ecclesiae, sed quantum ad personalem administrationem singulariter est Episcopus urbis Romæ. Art. 5: Utrum Papa possit immediate in qualibet diœcesi et parochia, quod potest Episcopus vel sacerdos? — Papa tenet locum Petri in ecclesia, Episcopi vero locum Apostolorum, Presbyteri vero locum LXXII discipulorum. Absurdum autem videtur, quod Petrus non potuisset solvere et ligare sine auctoritate Apostolorum vel discipulorum, etiam in provinciis et parochiis eis deputatis, cum singulariter Petro fuit dictum: *dabo tibi claves*, et ipsi non nisi per usum clavium potestatem ligandi et solvendi haberent. Eodem modo absurdum est dicere, quod Papa non possit solvere et ligare in diœcesi cuiuslibet Episcopi et parochia cuiuslibet Presbyteri, vel absolutionem et ligationem committere quibus placet. Potest etiam in provinciis et parochiis eis deputatis omnia facere per seipsum, vel per commissionem, quæ ipsi Episcopi vel Presbyteri facere possunt, et adhuc amplius. — Qu. 20. Art. 3: Utrum solus Papa habeat potestatem clavium? — Singulariter solus Petrus dicitur habere claves per immediatam commissionem, per immediatam derivationem, per universalem administrationem. Per immediatam quidem commissionem, quia soli Petro, cuius successor Papa existit, claves sunt cominissæ. — Per immediatam vero derivationem, quia potestas clavium ab eo tanquam a capite in omnes Praelatos ecclesiae derivari debet. — Per universalem autem administrationem, quia solus ipse in tota ecclesia universaliter Christi Vicarius existit. — Qu. 64. Art. 2: sicut Apostoli missi sunt ad prædicandum non nisi præsupposita auctoritate Petri: — sic Episcopi admittuntur et assumuntur in partem sollicitudinis non nisi præsupposita auctoritate Papæ, qui sicut dat eis auctoritatem exequendi officium receptum super tanta vel tali materia, si bene utantur, ita culpa exigente, si commisso officio abutuntur, potest eos dicta executione privare. — Qu. 65. Art. 5: non minoris auctoritatis est Papa in tota ecclesia, quam quilibet Episcopus in sua diœcesi, immo majoris, eum in propria diœcesi Episcopus jurisdictionem non exerceat nisi auctoritate Papæ. Sed quilibet Episcopus in propria diœcesi potest et debet religiosos et alios idoneos viros ad sanctæ prædicationis officium assumere, qui vice ipsorum plebes Christi eis commissas ædificant verbo et exemplo, absque omni requisitione presbyterorum, in

the mendicant orders,² whose often contested privileges had no other foundation. Nor did their contemptible flattery blush to ascribe to the popes little less than divine honors.³ The opposing voices, which

quorum parochiis prædicanter. — Ergo similiter Papa potest et debet in tota ecclesia aliquos religiosos et idoneos viros ad sanctæ prædicationis officium ordinare, — qui in qualibet diœcesi et in qualibet parochia — absque omni requisitione Episcoporum et Presbyterorum possunt prædicare, et alia spiritualia per sedem apostolicam eis commissa administrare. — *Alvari Pelagii de planetu ecclesiæ*, Lib. I. c. 6: Papa super omnia, etiam generalia, concilia est, et ab ipso ipsa recipient jurisdictionem et auctoritatem, et licentiam congregandi se. c. 14: Omnis creatura per eum valet judicari, et ipse a nulla in terris, etiam universalis concilio. c. 17: Plus potest Papa solus in iis, quæ non sunt contra capitulo fidei, et adjacentia eis, et sacramenta, quam tota ecclesia catholica, et concilia seorsum. c. 29: unum est consistorium et tribunal Christi et Papæ in terris. c. 58: Seiendum est, quod potentia summi Pontificis et Christi vicarii plena dicitur. Primo quia ab hac potentia nullus ad ecclesiam militantem qualitercumque pertinens excipitur. — Secundo quia omnis potestas ad gubernationem fidelium a Deo ordinata et hominibus data, sive spiritualis, sive temporalis, in hac potestate comprehenditur. — Tertio quia omnis potestas in Ecclesia ab hac potestate derivatur, et ad eam ordinatur, — quia ipsa principium est et finis ejuslibet potestatis, et ideo quælibet potestas humana ei jure subditur. Quarto quia a nulla potestate humana exceditur, vel superatur. — Quinto quia a nulla alia potestate puri hominis limitatur, aut ordinatur, aut judicatur: sed ipsa alias limitat, ordinat, et judicat. — Sexto quia ordine potestatum, ant legibus ab ipso positis non coaretur: potest enim agere et medianibus aliis potestatibus, et non medianibus, quando viderit expedire, quia ordinarius omnium est. — Potest etiam agere et secundum leges quas ponit, et praeter illas, ubi opportunum esse judicaverit. — Merito ergo in summo Pontifice plenitudo dicitur existere potestatis: unde et propter hoc dicitur potestas ejus esse sine numero, pondere et mensura. — Est enim sine numero, quantum ad eos, qui ejus potestati subduntur, qui quoad nostram notitiam sunt innumerabiles. — Est autem sine pondere, quantum ad locum: pondus enim est inclinatio rei ad locum proprium et determinatum: hæc autem potestas non determinatur ad unum locum, vel ad unam ecclesiam, sed ad omnes prorsus ecclesias in quibuslibet locis positis extenditur. Est sine mensura, quantum ad actum et modum agendi, quia quodammodo immensa est in agendo et in modo agendi. Unde siue homini Christo datus est spiritus non ad mensuram, *Jo. iii. 34*, ceteris autem datur secundum aliquam mensuram donationis Christi, *Eph. iv. 7*; *Rom. xii.*: sic vicario Christi Pontifici summo data est potestas non ad mensuram, sed in quadam immensitate; aliis autem datur potestas secundum mensuram aliquam participationis hujus immensæ potestatis. Et quum sit ipsa potestas vicarii Christi sine numero, pondere et mensura, imponit tamen et determinat aliis potestatibus pondus, numerum et mensuram.

² Compare the Augustine monk, *Augustini Triumphi Summa de potest. eccl.* see § 96. note 14, the Franciscan *Alvari Pelagii de planetu ecclesiæ*, Libb. II. *Ibid.* note 15, the Dominican *Petri Paludani* (about 1330, Patriarch of Jerusalem, † 1342) tract. de causa immediata Ecclesiastica potestatis, ed. Paris. 1506, and the Franciscan *Rogerii Connovii* (or Conway, in Oxford) defensio religionis Mendicantium, soon after 1357 (in *Goldasti Monarchia*, T. II. p. 1410 seq.).

³ *Augustini Triumphi*, Qu. IX. Art. I. Utrum Papæ debeatur honor, qui debetur Christo secundum quod Deus? *Videtur*: — quia honor debetur potestati, sed una est potestas Christi secundum quod Deus et Papæ: quod probatur, quia potestas Christi secundum quod Deus est peccata dimittere juxta illud *Marc ii. quis potest peccata dimittere nisi solus Deus?* istud autem convenit Papæ, quia quodecumque ligat vel solvit super terram, est ligatum vel solutum in cælis. — Porro latraria est servitus soli Deo debita: — sed omnis servitus debetur Papæ, ergo honor qui debetur Deo debetur sibi. — *In contrarium est*, quod honor, qui debetur creatori, sine peccato idolatriæ non debetur puræ creaturæ. — R. *Dicendum*, — quod honor potest exhiberi Deo dupliciter. Primo ratione communis potestatis, cum qua convenit cum creaturis convenientia cuiusdam analogiae univocationis. Convenit ergo creatori et creaturæ potestas et dominatio, et multa alia, ut bonitas,

were heard on the side of Lewis of Bavaria (from the Minorites), made no general impression, and died entirely away on Lewis' death, when the victory was so decidedly with the papal power. In France, it is true, under Philip the Fair, sounder views were very generally prevalent amongst the clergy,⁴ but as the French kings had no inclination to oppose the extension of the papal power as long as it was wholly subservient to themselves, no opposition was made from this quarter.

In these new ecclesiastical usurpations we trace the most revolting union of narrow selfishness and low rapacity with the most undisguised neglect of the wants of the church. The papal court at Avignon was distinguished by a recklessness and luxury hitherto unexampled,⁵ whilst the rich revenues from the papal territories in

scientia et justitia, quæ attribuuntur Deo, tamen convenient creaturæ, Deo quidem essentialiter, creaturæ vero participative et ministerialiter vel instrumentaliter: et ratione istorum quidam honor, et quædam servitus impenditur Deo, quæ sine peccato potest exhiberi creaturæ, ut thurificatio et genuflexio et alia servitus, quæ græco nomine dulia appellatur. Quædam vero servitus Deo impenditur ratione ejus singularis majestatis,— ratione cuius singulare genus servitii sibi exhibetur, quod latræ appellatur. — Sacrificium est ille singularis honor et illa singularis servitus, quæ sic debetur Christo secundum quod Deus, non debetur Papæ, nec alicui puræ creaturæ. — *Ad primum ergo est dicendum*: — in Christo secundum quod Deus invenitur dominatio, quæ est summa potestas, et ideo servitus summa sibi debetur, quæ latræ appellatur: in Papa autem non invenitur nisi participative et ministerialiter, etc. — Art. 3: It is shown that the same honor is due to the Pope as to the saints, (honor Papæ exhibetur ratione potestatis et auctoritatis: verum quia potestas talis est ordinata potissime, quia est a Deo sibi tributa, et quæ a Deo sunt, ordinata sunt, sic dicit Apost. ad Rom. xiii: ideo includit talis potestas vitæ sanctitatem et doctrinæ veritatem. — Propter quod licet honor sit sibi exhibendus ratione potestatis, non est sibi subtrahendus honor, qui debetur sanctis ratione sanctitatis et doctrinæ veritatis.) and Art. 4: As to the angels, (exhibebatur honor angelis per patres veteris Testamenti, quia in eis representabatur Deus per subjectam creaturam de ære vel undecunque visibiliter ab eis assumptam: sed longe melius Deus representatur per Papam, et quantum ad naturæ conformitatem, quia Dei filius nonquam angelos apprehendit, sed semen Abrahæ in unitatem personæ, et quantum ad officii potestatem, quia nulli angelorum concessit claves ligandi et solvendi in cœlo et in terra, sicut concessit Petro et successoribus ejus). — *Zenzelinus*, A. D. 1325, in his gloss to Extravag. Jo. XXII. Tit. XIV. c. 4, in fine says: Credere autem Dominum *Deum* nostrum Papam, conditorem dictæ decretalis, sic non potuisse statuere, prout statuit, hæreticū censeretur. So also in the Lyons editions of 1584 and 1606, and in the Paris editions of 1585, 1601 and 1612: in the later editions the *Deum* is left out.

⁴ See § 63, note 22. Compare § 98, note 1. This is especially seen in the controversies of the university of Paris with the Mendicant Orders, see below, § 109, note 3.

⁵ Francesco Petrarcha († 1374), who was for a long time at the papal court in Avignon, gives a shocking description of the prevailing corruption. *Epistolarum sine titulo*, Lib. Ep. 10, he calls Avignon the third Babylon, and the fifth Labyrinth: quam juste autem, qui noscere cupit, hoc properet. Non hic carcer horrendus, non tenebrosa domus error, non fatalis urna humani generis fata permiscens, denique non imperiosus Minos, non Minotaurus vorax, non dænnatæ Veneris monimenta defuerint: sed remedia, sed amor, sed charitas, sed promissorum fides, sed amica consilia, sed fila perplexum iter tacita ope signantia, sed Ariadna, sed Dædalus. Una salutis spes in auro est, auro placatur rex ferus, auro immane monstrum vincitur, auro salutare lorum texitur, auro durum limen ostenditur, auro vectes et saxa franguntur, auro tristis janitor mollitur, auro cælum panditur, quid multa? auro Christus venditur. Compare Epist. 14 and 15, especially Epist. 18.

Italy had either ceased entirely, or were at best very uncertain. Other sources of supply must, therefore, be sought. The search was soon successful, but the most insatiable avarice was now awakened, and a course of oppression followed altogether intolerable. The ill-gotten gains were either hoarded in Avignon, or converted to political uses, or squandered in licentiousness and debauch.

Of all these abuses the most pernicious was the extended *Reservation* of ecclesiastical offices, by means of which even bishoprics came to be bestowed on laymen (as *commendams*), and were thus held by the most unworthy characters. This began as early as Clement V., who exercised the right of Reservation over a great number of churches (which, in France, he was forced to bestow according to the royal will),⁶ gave away many benefices in commendam,⁷ and

Omne bonum ibi perditur, sed primum omnium libertas, mox ex ordine quies, gaudium, spes, fides, charitas, animæ jacturæ ingentes. Sed in regno avaritiae nihil damno adscribitur, modo pecunia salva sit. Futuræ tibi vita spes inanis quædam fabula, et quæ de inferis narrantur fabulosa omnia, et resurrectio carnis et mundi finis et Christus ad judicium venturus inter nærias habentur. Veritas ibi dementia est, abstinentia vero rusticitas, pudicitia probrum ingens: denique peccandi licentia magnanimitas et libertas eximia, et quo pollutior eo clarior vita, quo plus scelerum eo plus gloriæ, bonum nomen cœno vilius, atque ultima mercium fama est. — Taceo hæreditatem Simonis, et illam hæresis speciem, non ultimam, spiritus sancti dona merchantium. Taceo mali illius avaritiam matrem, quæ idolorum servitus ab Apostolo dicta est. Taceo utriusque pestis artifices, et concursantes Pontificis thalamis proxenetas. Taceo crudelitatem humanitatis immemorem, et sui ipsius oblitam insolentiam, atque illos vanis flatibus tensos utres. Taceo denique illa prodigia, — quorum mœsta nimis et severa narratio: ad ridicula simul atque odiosa festino. Quis enim ora non irascatur et rideat illos senes pueros coma candida, togis amplissimis, adeoque lascivientibus animis, ut nihil illuc falsius videatur, quam quod ait Maro: *Frigidus in Venerem senior?* Tam calidi, tamque præcipites in Venerem senes sunt, tanta eos atatis et status et virium cepit oblivio, sic in libidines inardescunt, sic in omne ruunt dedecunt, quasi omnis eorum gloria non in cruce Christi sit, sed in comeditionibus, et ebrietatibus, et, quæ has sequuntur in cubilibus, impudicitiis: sie fugientem manu retrahunt inventam, atque hoc unum senectutis ultimæ lucrum putant, ea facere, quæ juvenes non auderent. — Mitto stupra, raptus, incestus, adulteria, qui Jane pontificalis lasciviae ludi sunt: mitto raptarum viros, ne mutire audeant, non tantum avitis laribus, sed finibus patrii exturbatos, quæque contumeliarum gravissima est, et violatas conjuges et externo semine gravidas rursus accipere, et post partum reddere ad alternam satietatem abutentium coactos. Quæ omnia non unus ego, sed vulgus novit, etsi taceat, quamvis ne id ipsum taceat jam major est indignatio quam metus, etc. — cf. *Nicolaus de Clamengis* de ruina ecclesiæ (written 1414), c. 42, in v. d. Hardt Concil. Constant. T. I. P. III. p. 45: Ex illo plane suam cladem imminere prænosse debuit (Ecclesia), ex quo propter suas fornicationes odibiles Romuli urbe relieta Avignonem confugit. Ubi quanto liberius, tanto apertius et impudentius vias sue Simoniae et prostitutiones exposuit, peregrinosque et perversos mores, calamitatum inductores, in nostram Galliam invexit, rectisque usque ad illa tempora moribus frugalibus disciplina instante, nunc vero luxu prodigioso usque adeo solutam, ut merito ambigere possis, utrum res ipsa auditæ mirabilior sit, an visa miserabilior.

⁶ Thus Clement writes to Philip, A. D. 1306 (*Baluz. PP. Aven. II. p. 65*): De Ecclesiis vero, de quibus nobis tua serenitas seripsit, scire te volumus, quod nos earum provi-jones hac vice nobis duximus reservandas. Quibus Ecclesiis de personis Deo, nobis ac tibi gratis et Ecclesiis ipsis utilibus curabimus — providere: and Philip thanks him, p. 87, for the promotio per uberem gratiam clementiae vestræ facta de dilectis et fidelibus clericis nostris. The Pope at length was tired of being thus the mere instrument of the king, and when Philip, A. D. 1309, re-

drew upon himself the imputation of Simony.⁸ But this was nothing

quested of him to bestow the archbishopric of Sens upon the bishop of Cambray, he wrote him, p. 145: considerantes attentius, quod super translatione hujusmodi per alium modum non poteramus decenter satisfacere votis tuis, provisionem ipsius Ecclesiæ Senonensis, quamvis reservationes hujusmodi menti nostræ displiceant, prout nos, hac vice dispositioni nostre — duximus reservandam: — tuam celsitudinem exhortantes, ut nos super similibus reservationibus faciendis, quæ nostræ voluntati redduntur contraria, saltem absque magna causa non infestes.

⁷ On the 20th of Feb. 1307, Clement issued a Constitution (*Extrav. Comm. Lib. III. tit. 2. c. 2. Raynald. 1307, no. 28*), in which he says, that in the beginning of his administration he had bestowed many benefices at the instance of those high in temporal and ecclesiastical dignity: ad eorum importunas et multiplicatas precum instantias nonnullis clericis — patriarchales, archiepiscopales et episcopales Ecclesias ac monasteria — sub commendæ vel custodiæ, seu curæ, vel guardiæ, aut administrationis titulo — duximus — committenda. Super iis aucte, in tales videlicet et tantas gratias per nos fieri decuisse, variorum et arduorum negotiorum multiplicitate distracti usque ad tempus, quo infirmitate satis periculosa nos iis diebus Deus visitavit omnipotens, nequivinus plenarie cogitare. Verum in debilitate ipsius aegritudinis constituti, et a negotiorum utcumque discussione semoti, ad hæc sub diligentia examine direxius aciem nostræ mentis, demumque prospexitus evidenter, quod Ecclesiarum et monasteriorum eorundem cura negligitur, bona et jura dissipantur ipsorum, ac subjectis eis personis et populis spiritualiter plurimum et temporaliter derogatur. — Volentes opportunum et debitum in hac parte remedium adhibere, oinnes et singulas commissions hujusmodi per nos — factas quibuscumque cuiusvis ordinis, dignitatis, aut status, si etiam s. Romana Ecclesia Cardinalibus — factæ noscantur, auctoritate Apostolica — cassamus et annullamus. How far this Constitution was acted upon, may be seen at the council of Vienna, 1311. *Guil. Durandus* complains in his work written at that time, de modo celebrandi generalis concilii, P. II. Tit. 21: domini Cardinales in grave animorum ipsorum periculum et universalis Ecclesiæ dispendium multa millia florenorum — sibi et multis pestifera adinventione super Ecclesias etiam Parochiales et Curatas faciunt cumulari, et Ecclesias etiam cathedrales et ultramarinas sub diversis coloribus commendari, et certas sibi solvi ab illis, qui eorum promoventur auxilio, pensiones, qua nunquam in Romana Ecclesia moriuntur, sed ab uno Cardinali in alium vel in ejus vel Domini Papæ propinquum vel nepote detinentur. Ex quibus sequitur, cum sibi vendicent universa, infelix quod Clericus, qui de predictis beneficiis sustentari et eis personaliter servire debuerat, mendicat in plateis. — Ex hac peste etiam noviter introductum est contra jura, quod Prioratus Conventuales, et alia beneficia ecclesiastica, consueta regi per Monachos et alias Regulares, domini Cardinales — sibi et suis faciunt assignari, quamquam non efficiantur Monachi. — Ex quibus in dictis Prioratibus et beneficiis Regularium periit in totum regularis observantiae disciplina, cum non sit inter eos, qui corrigat, etc. Similar complaints from a bishop at this council (*Raynald. 1311, no. 59*): Quia multi vita et moribus detestabiles de diversis mundi partibus ad sedem Apostolicam concurrentes — beneficia cum cura, vel sine cura quotidie impetrare noscuntur, — et a Prælatis veneranter instituti vel admissi ita detestabilem vel deformem vitam ducunt, quod ob hoc ecclesiæ destruuntur; — Prælati non possunt hodie bonis personis de beneficiis — obstante numerosa multitudine clericorum impetrantium providere. — Heu mittuntur ad Ecclesias vel personæ inutiles, peregrina lingua, barbaræ nationis; vel si sunt bonæ personæ et utiles, nunquam in eisdem resident Ecclesiis, sed in Romana curia, aut Regis aut Principum curiis commorantes per privilegia fructus beneficiorum percipiunt, qui eisdem Ecclesiis de nihilo serviunt. — Cum tam secundum jura divina quam humana singula ecclesiastici juris officia sint singillatim singulis committenda personis; — hodie — una persona, aliquando minus idonea, quatuor vel quinque in diversis ecclesiis obtinet beneficia, — quinimmo decem vel duodecim — et aliquando plures, sicut vidi. Heu aliquando una persona tot obtinet dignitates, personatus vel officia, quod ex eis posset quinquaginta vel sexaginta exercitatis et literatis personis sufficientissime provideri. — Quid autem de pueris, qui omni discretione carentes — tot obtinent dignitates et beneficia, referam, nescio, etc.

⁸ *Jo. Villani IX. c. 58*: questi fu uomo molto cupido di moneta e simoniaco,

compared to the shameless conduct of his successor, John XXII. Without considering it necessary to make known his will any further than by a verbal announcement to his own chancery,⁹ he extended, in various ways, the right of bestowing the benefices of those who died at Rome (*vacantes in curiâ*),¹⁰ and claimed the right of disposing of the more profitable places in the cathedrals and colleges,¹¹ as well as of all the churches in the north of Italy.¹² Occasional re-

che ogni beneficio per moneta in sua corte si vendea, e fu lusurioso, che palese si dicea che tenea per amica la Contessa di Palagorgo, bellissima donna. — E lasciò i suoi nipoti e suo lignaggio con grandissimo e innumerable tesoro.

⁹ In like manner he published his *Processus* by placing them on the church door at Avignon. See above, § 96, note 6. — *Baluz.* PP. Aven. I. p. 722, gives us the following remarkable document: Anno Dom. MCCCXVI. 17 Kal. Oct. Lugduni sanctissimus Pater et Dominus Johannes P. XXII. pontificatus sui anno primo reservavit sue et sedis Apostolicae collationi omnia beneficia ecclesiastica, quae fuerunt et quoconque nomine censeantur, ubicunque ea vacare contigerit per acceptationem alterius beneficij prætextu gratiae ab eodem Domino Papa factæ vel facienda acceptati; in hique Gauelmo Vicecancellario suo præcepit in præsentia magistri Petri Fabri, quod haec ad memoriam redigerem in scripturam. This is the first trace of the famous *Regulae cancellariae*. Compare *Gesch. d. röm. Kanzleyregeln*, in *Le Bret's Magazin f. Staaten- u. Kirchengesch.* Th. 2. S. 605 ff. Th. 3. S. 1 ff.

¹⁰ By the *Decretal Ex debito* (*Extravagg. Comm. Lib. I. Tit. III. c. 4*) A. D. 1316, which was only an extension of the *Regulae cancellariae* just mentioned. Hujusmodi autem sedes, monasteria, ecclesiæ, et alia præfata beneficia ecclesiastica per mortem vel depositionem ac privationem eorum, qui ea cōtinerent, per electionum cassationem, — quorumlibet provisionem, translationem — vacare apud sedem intelligentius prælibatam. Episcopales insuper vel alias dignitates — fratum nostrorum s. Rom. eccl. Cardinalium apud dictam sedem per eorum obitum vacare censemus, sive inibi, sive alibi. ubicumque ipsos migrare contigerit de hac luce. Et hoc idem in dignitatibus et beneficiis quibuslibet — officialium nostrorum, videlicet vicecancellarii, ejusdem ecclesiæ camerarii, notariorum, auditoris contradictarum, correctorum, scriptorum litterarum, ac pœnitentiariorum nostrorum, nec non abbreviatorum curiæ Romanae locum sibi volumus vindicare. According to these principles he got into his power by the *Decretal Execrabilis* (*Extravagg. Comm. III. Tit. 2. c. 4*), the nomination to places innumerable. In this *Decretal*, after much complaint of the avarice of those who held several benefices at once, (cardinalibus tamen s. Rom. eccl. — ac regum filiis — exceptis) he commands them to choose one cum cura, and one sine cura, and give up the rest. Quæ omnia et singula beneficia vacatura — vel dimissa nostræ et sedis apostolicae dispositioni — reservamus.

¹¹ *Jo. Villani XI. c. 20* (Papa Giovanni) infino l'anno 1319 puose le riservazioni di tutti i benefici collegati di Christianità, e tutti gli volea dare egli, dicendo il facea per levare le simonie. E di questo trasse e ragunò infinito tesoro. Et oltre a ciò, per la detta reservatione quasi mai non confermò elezione di nuno Prelato, ma promovea uno Vescovo in uno Arcivescovado, e al Vescovado del Vescovo promosso promovea un minore Vescovo, e allora avenia bene sovente, che d'una vacazione d'una Vescovado grande, o Arcivescovado, o Patriarcato faceva sei o più permutazioni; e simile d'altri benefici: onde molte e grandi provisiōni di moneta tornavano alla camera del Papa.

¹² Bull of the 30th of Jul. 1322, in *Raynald. 1322*, no 4, complete in *Ughelli Italia sacra*, T. III. p. 185: *Statu Ecclesiæ Romanæ immediate subjectis, quam in patriarchatu Aquilejensi, nec non Mediolanensi, Ravennæ, Januensi et Pisana provinceis consistentium, quas et quæ — malitia temporis in eorum provisionibus variis noscitur discriminis subjecisse* (see § 96, note 4), nostræ mentis obtutibus ocurrante; ac propterea similibus in posterum obviare periculis, donec — sublata procella temporis impacati, eisdem ecclesiis — plena in eligendo securitas ministretur, solicitis affectibus cupientes; provisiones omnium patriarchaliū, archiepiscopaliū, epis-

monstrances passed unheeded,¹³ and how he disposed of all these places is best proved by the immense treasure he left behind him.¹⁴ His successor, the conscientious Benedict XII., recalled the commendams granted by John,¹⁵ but confirmed the Reservations of his predecessor.¹⁶ These he used himself, it is true, only to fill the various places in the church more worthily,¹⁷ but by such confirmation he

copalium, et aliarum quarumlibet ecclesiarum collegiatarum, nec non abbatiarum, monasteriorum, prioratum et aliorum quorumcunque piorum locorum sacerdotalium et regularium — consistentium in patriarchatu et provinciis supradictis, — vacantiū, — dispositioni et ordinationi nostrae et sedis Apostolicæ — usque ad ejusdem sedis beneplacitum — reservamus.

¹³ Thus the kings of Castile and Portugal complain to the Pope (*Raynald.* ann. 1330, no. 44), that, whilst formerly their clergy had rendered them important assistance in the wars against the Moors, nunc istis (indigenis) exclusis pariter et contemptis alienigenæ, qui nec zelo fidei, nec devotione aliqua ad præmissa invitantur, sed de imburanda pecunia, quam de ipsis beneficiis percipere possunt, ad alias transferendi partes, continuam gerunt solicitudinem, eisdem ecclesiis, monasteriis, personatibus, dignitatibus sunt prælati. Quare supplicant idem Reges humiliiter et instanter, quatenus præmissis alienigenis ad alia beneficia in aliis partibus translati de prælatiis, personatibus, etc. per eos detentis indigenis regnorum prædictorum dignetur eadem sanctitas providere. In Germany there was a more vigorous resistance: *Heinricus de Rebdorff* ad ann. 1333: In Alemania magnum schisma est in clero et populo, ex provisionibus sedis Apostolicæ ad Episcopales et solemnes prælaturas et alia beneficia, quas idem Ludwicus in odium sedis Apostolicæ fortiter impedit.

¹⁴ According to *Jo. Villani* XI. c. 20, who gives the same on the authority of his brother, a merchant in Avignon, who had it from the papal treasurers, it amounted to 18 millions of gold guilders* in coin, and 7 millions in jewels. Besides this his court also had grown rich, cf. *Quinta vita Benedicti XII.* (*Baluzi PP. Aven.* I. p. 232): temporibus retroactis, quando per Papam gratiae seu supplicationes gratiarum signabantur, ipsæ supplicationes præsentabantur per Camerarios Domini Papæ aut per alios de ipsis mandato, unde frequenter questus illicitos ab eis fieri contingebat.

¹⁵ Secunda vita Bened. XII. (*Baluz. I. p. 214*): Prælatos omnes ad eorum Ecclesiæ redire coegerit, volens eorum ambitionis pravitatis obviare; et commendas Ecclesiarum, præterquam Dominis Cardinalibus factas (compare the bull *Exercrabilis*, note 10), expectationes omnes secundum formam juris canonici revocavit, et fugavit realiter simoniam.

¹⁶ In A. D. 1335, he confirmed the Constitution *Ex debito* (see note 10) by the bull *Ad regimen* (*Extravagg. Comm.* III. II. 13).

¹⁷ Prima vita Benedicti XII. (*Baluz. I. p. 209*): Quantum in ipso fuit, dedit operam efficacem, ut in beneficiis, dignitatibus, et prælaturis suo tempore vacantiibus ponerentur et præficerentur bona et honesta personæ, — ac sufficientes in litteratura, ac matura in moribus, essentque aetatis proiectæ, juxta — qualitatem beneficiorum, — ad quæ — essent assumenda. — Et in hoc multotiens se decipi formidavit. Et ob hoc, antequam provideret de talibus suæ dispositioni reservatis, inquirebat summa cum diligentia de meritis et sufficientia illorum, qui ad hoc sibi nominabantur. Et cum eos non reperiebat juxta gustum suum bene idoneos et sufficietes, potius volebat, quod vacarent et remanerent in manibus suis, quam si aliter provideret. Propter quod suo tempore multa beneficia, dignitates, et prælature quamplures diutius in vacatione permanserunt. Dicebat enim, quod melius et securius erat, quod vacarent, quam si haberent malos vel minus idoneos præsidentes. Ipse enim de suis consanguineis vel propinquis exaltandis vel promovendis nullatenus curavit. How the corrupt court looked on these proceedings see in Octava Vita, p. 240: Huic Domino Benedicto maxime insitum cordi fuit clericos et religiosorum ordinum professores et status reformati, et, ut dicatur

* The gold guilder was about equal to a ducat. See *Convers. Lexicon.* — Tr.

left the way open for the abuses of his successor, the profuse Clement VI.¹⁸ Treading in the steps of John XXII., this pontiff disposed at will of the benefices of every country,¹⁹ and bestowed so many as commendams on those around him, that bitter complaints were heard from more than one quarter, and Edward III. of England even resorted to more serious means of resistance.²⁰ Innocent VI.²¹ and

verius, infirmare. Paucos enim vel nullos bonos credebat, et omnes a via mandatorum Domini et consiliorum semita declinasse dicebat. — Hic Dominus Benedictus Papa avarus, durus et tenax, in conferendis gratiis remissus, tardus et negligens in providendo statum Ecclesiarum supra modum fuit; et in excusatione duitiae suae paucos ad hæc dignos vel sufficietes dicebat. Omnes Dominos Cardinales fore deceptores sui credebat. Raro supplicationes ipsorum recipere volebat, ipsosque non modicium suspectos habebat. Ordines mendicantium supra modum per facti evidentiam exosos habebat. Paucos vel nullos de ipsis ordinibus ad prælationes promovebat. Dissensiones eorum libenter audiebat, et subditis contra Prælatos favere videbatur mirabiliter. At his death the following verses were written on him (*Septima vita*, p. 240):

Iste fuit Nero, laicus mors, vipera clero,
Devisus a vero, cuppa (cask) repleta mero.

¹⁸ Prima vita Clementis VI. (*Baluz.* I. p. 264): Habuit hanc humanitatem — ac liberalitatem generaliter ad omnes ad ipsum recurrentes, — quod nunquam vel raro aliquem a se emiserit sine consolatione reali aut verbali, saepius tamen ad rei, quam ad verba intendens. — Suos fratres, nepotes, — compatriotas et servitores valde dilexit. Plurimos — in aliis et magnis prælaturis et dignitatibus sublimavit, multos vero in inferioribus beneficiis fere ubique terrarum existentibus collocavit. Et quamquam inter eos fuerint multi idonei et sufficietes, quia tamen quandoque ipsis præfut ceteris magis aut aequæ sufficientibus, alios vero sic passim et indistincte et quasi ubique collocavit, fortassis aliquid ultra debitum caro et sanguis sibi revelasse censemur, etc. Quinta vita, p. 311: Ipse sumptuosum tenuit statum et multum pomposum ac sæcularem, ut audiri et pro parte cognovi.

¹⁹ Tertia vita (*Baluz.* I. p. 284): volens pauperibus clericis universis de eo quod gratis acceperat gratis dare, bullam gratiæ sua clementer aperuit, ut infra duorum mensium spatium (anno 1342) de sua clementiæ plenitudine gratiam pro gratia cuncti recipenter. — Eadem aestate pontificatus sui prima, cunctis Ecclesiis cathedralibus, collegiatis et aliis, quas prædecessor ejus immediatus, zelo forsitan justitiæ, rectoribus viduatas dinisserat, — Episcopos et rectores restituit, — quamvis lucide nosceret, quod proventus non modicos apostolicæ cameræ defalcabat. Benedicta sit igitur, si qua fuerit in Benedicto P. XII. præfato, justitia, quæ habenti contulit, et abstulit non habenti, quodque tam largo tam libero donatori tantam donandorum copiam conservavit. — labia mea laudabunt te, in Clemente VI. clementiam, quæ per ejus prædecessorem rigorose retenta, misericordiæ liquore condita dispergens omni petenti se tribuit gratiosum, etc. — Quinta vita, p. 310: Qui cum eodem anno (1342) circa Pentecosten faceret gratias generales, in Avinione tanta convenit multitudo clericorum volentium in gratia pauperum impetrare, quod numerus clericorum pauperum tunc in examinationibus diocesis per universum orbem fuit computatus ad centum millia clericorum, prout ego personaliter ibidem tunc existens veridicorum relatione intellexi. Hic Papa cum in principio sui pontificatus faceret reservations abbatiarum et prælaturarum, electiones conventuum et capitulorum irritas habens; et super hoc sibi fuerit intimatum, quod hujusmodi reservations a suis prædecessoribus minime fuerint factæ, ipse fertur respondisse: *Prædecessores nostri nescierunt esse Papa.* These reservations appear to have been made on the strength of the Regulæ cancellariae. How widely they extended over the French bishoprics is seen from the documents in *de Marca de concord. Sac. et Imp. Lib. VI. c. 3. § 14*, where the Pope condemns the Suffragans of the archbishop of Narbonne, who refused to take the accustomed oath to their metropolitan, because they had been appointed by the Pope.

²⁰ *Thomæ Walsingham* (about 1440) *histor. Angliæ, in Anglica, Hibernica a veteribus scripta ex Bibl. Guil. Camdeni. Francof. 1602. fol. p. 161:* Eodem anno

(1343) Papa Clemens iterum fecit in Anglia provisiones duobus Cardinalibus de beneficiis proximo vacantibus præter Episcopatus et Abbatias ad extentam duarum millium marcarum. Quod rex et tota regni nobilitas paſi noluit, sed procuratores dictorum Cardinalium sub pœna careeris Angliae exire coegerit. The Pope complains bitterly of this, and explains to the king the motives which had actuated him in these appointments, in a letter of August 28 (p. 162): Dudum post creationem novorum — Cardinalium, provida et inatura deliberatione prævia per nos facta, honoribus Dei et Ecclesie sua sanctæ, ac utilitatæ reipublicæ convenire, quod Cardinales ipsi, qui super expediendis negotiis ad alveum Apostolicæ sedis undique confluentibus nobiscum labores et onera partuntur, et haberent congrue unde suis valeret necessitatibus secundum status sui decentiam provideri; denum ex cogitatione viis et modis licitis, quibus absque minori ecclesiarium — gravamen hujus provisio sequi posset, de beneficiis ecclesiasticis tunc in diversis regnis — vacantibus et in antea vacaturis usque ad certam summam pro singulis eorundem novorum Cardinalium — præfatis Cardinalibus, distinctis eis prout expedire vidimus provinciis, gratias fecimus speciales. Certum est autem, quod non solum in regno et terris tuis, immo quasi in omnibus regnis, — ubi Catholicæ fidei viget cultus, aliis novis Cardinalibus consimilem gratiam fecimus, in quibus rebellionem aliquam — nullatenus audivimus usquequaque. To this Edward answered on the 26th of September in a letter, plena fructu, cui pro tunc Papa aut Cardinales respondere rationabiliter nesciebant (*Walsingham*, p. 161. *Raynald*, ann. 1343, no. 90). He speaks first of the services rendered by his ancestors to the church, and then complains of the existing corruptions, dum per impositiones et provisiones sedis apostolicæ, quæ solito gravius invalescent, ipsius peculium — manus occupant indignorum, et presertim exterorum, et ejus dignitates et beneficia conferuntur pinguis personis alienigenis, plerumque nobis suspectis, qui non resident in dictis beneficiis, et vultus commissorum eis pecorum non agnoscunt, linguam non intelligunt, sed animarum cura neglecta, velut mercenarii, solummodo temporalia lucra querunt, et sic diminuitur Christi cultus, animarum cura negligitur, — clerici dicti regni, viri magnæ literaturæ, et conversationis honestæ, qui curam et regimen possent sibi salubriter peragere, — studium deserunt propter promotionis congruæ spem ablatam. Jus patronatus, quod nos et fideles nostri in talibus obtinemus beneficiis, enervatur, — regni thesaurus ad extraneos, ne dicamus nostros malevolos asportatur: — quæ singula — fuerunt nuper coram nobis in parlemento nostro — palam exposita, unanimi — petitione subjuncta, ut prædictis dispendiis — celeriter occurramus. Nos autem — ad vos successorem Apostolorum principis, qui ad pascendum, non ad tondendum oves dominicas — mandatum a Christo suscepit, ista deferimus votivis affectibus supplicantibus, quatenus — velitis ut pater filiis thesaurizans alleviare dictarum impositionum et provisionum ac onerum, jam per sedem apostolicam invalescentium gravitatem, permittentes ulterius, ut patroni patronatus sui solatium non amittant, ecclesiæque cathedrales et alia dicti regni liberas electiones et earum effectum habeant, quas quidem ecclesiæ dicti progenitores nostri dudum singulis vacationibus earundem personis idoneis jure suo regio libere conferebant, et postmodum ad rogatum — dictæ sedis sub certis modis et conditionibus concederent, quod electiones fierent in dictis ecclesiæ per capitula earundem. Sed — dicta sedes per reservations et provisiones suas dictis capitulis electiones admit supradictas, et nobis jus et prærogativam, quæ — nobis competent in hac parte, propter quod juxta legem dicti regni nostri, ex quo lex in concessione posita non observatur, concessio revolvitur, et rei status revertitur in primævum super præmissis, etc. Clement after this ventured still to appoint his Nuncio in England to the see of Norwich, and Edward for this time allowed it, but not only renewed his request to the Pope, but made provision by law for such cases in future: Clementis Epist. ad Eduardum in *Raynald*, ann. 1344, no. 55 seq. Ad nostram — audienciam — pertulit rumor, — quod in regno tuo edicta et brevia in derogationem et enervationem prædictæ libertatis ecclesiasticae, primatus ejusdem Romanæ ecclesiæ ac auctoritatis et potestatis ipsius sedis Apostolicæ, ad diversas partes missa fuerunt: ut de captione et incarceratione multarum personarum ecclesiasticarum sacrilega, et impedimentis literarum et gratiarum apostolicarum ibidem appositis taceatur ad præsens. Immo ad tantæ ferocitatis in regno eodem audaciam dicetur fuisse deuentum, quod vix aliquis audet ibidem literas apostolicas præsentare. When, therefore, a vacancy in the Abbey s. Augustini in Canterbury was filled up by the Pope, without any regard to a choice which had already been

Urban V.²² imitated, indeed, the more worthy conduct of Benedict, but were unable to remedy all the ill-effects of former abuses.²³ But Gregory XI. returned to the old course.²⁴ Thus in the use of the newly-assumed right the evil far outweighed the good.

Besides all this the churches were burdened with new taxes. From the prelates consecration fees were demanded,²⁵ and from the inferior

made, the king ordered the monks, under severe penalties, ne ipsum Praefectum, quantum in vobis est, administrationem seu dispositionem aliquam de terris, — bonis seu catallis praedictis absque licentia nostra — speciali aliquiliter habere permittatis, see *Guil. Thorn* (a monk in the convent about 1380) *Chron. de gestis Abb. s. August.* Cantuar. c. 38. The court of Rome was still more deeply offended when Edward, during his wars with France, took possession of the incomes, which the cardinals and other absent ecclesiastics drew from his kingdom, *Raynald*, ann. 1345, no. 12; 1352, no. 17; which example was soon followed by his opponent Philip, *Rayn.* 1346, no. 39; 1347, no. 24. Edward was already threatened with excommunication (*Rayn.* 1352, no. 17), when Clement died. — Alphonso of Castile also attempted to resist these usurpations of the Pope, but was more easily appeased, *Raynald*, ann. 1344, no. 54; 1348, no. 14.

²² Tertia vita Innoc. VI. (in *Baluz.* I. p. 357): Hic fuit vir justus et durus in concedendo beneficia et jura ecclesiastica. Subito post suam coronationem multas reservationes factas per Clementem suum praedecessorem suspendit, et constituit Praelatos et alios beneficiatos in curia tunc morantes unumquemque ad suum beneficium personaliter applicare et ibi residentiam facere sub pena excommunicacionis: quod et factum est. Hic diminuit expensas et familiares suos et etiam omnium Cardinalium. He himself gives as the ground of discontinuing the commendams (see *Raynald*, ann. 1354, no. 31), quod occasione comendarum, — sicut experientia docuit, ut plurimum divinus cultus minuitur, animarum — cura negligitur, hospitalitas consueta et debita non servatur, ruinis aedificia patent, etc.

²³ Prima vita Urb. (*Baluz.* I. p. 394): Simoniacos execratus est. Ementes enim et vendentes beneficia sive spirituales gratias — puniri multimode ordinavit, immo et eorum quanplurimos, curiam exire coegerit. Benefiorum multiplicacionem, praesertim incompatibilium, in eandem personam concurrentium invitisimae toleravit, immo multos ex illis qui plurima obtinebant privavit, relictis eis tantummodo illis, qua suis statui et sufficientiae congrue convenire judicavit. Super quo etiam constitutionem edidit, quae incipit *Horribilis*; in qua quod suo tempore licere sibi non passus est suis successoribus indicavit, etc.

²⁴ Even Urban V. had to bestow the archbishopric of Cologne on Cuno, archbishop of Triers A. D. 1368, for some years, in commendam. At the same time the old *Reservations* were still continued.

²⁵ Prima vita Gregorii XI. (*Baluz.* I. p. 441): Ipse multum dilexit suos, — ac eorum consilio et instigatione ac favore multa fecit, praesertim in promotionibus nonnullorum, quibus sufficientiores in moribus et scientia forsitan reperiri potuerint.

²⁶ From an early time, taxes for consecration had been sometimes customary, and sometimes condemned as Simony. See *de Marca* de Conc. Sac. et Imp. lib. VI. c. 10; in Alexander IV's time, about 1260, they had been partially introduced, being paid to the Pope and cardinals under the name of *Annatae* (because they were proportioned to the yearly income), and this had become a subject of complaint (*Ostiensis* comm. in Decr. Greg. I. Tit. 32, c. 15); under Clement V., however, they were exacted for every appointment, whether consecrated at the papal court or not. See *Guil. Durandus* de modo generalis concilii celebrandi, P. II. Tit. 20: Cum illa decreta, in quibus agitur de simonia, in novo et veteri testamento, in Coneillis, a ss. Patribus et Romanis Pontificibus damnata, non serventur, et maxime in curia Romana, in qua etiam cœtus Dominorum Cardinalium vult habere una cum Domino Papa certam portionem a Praelatis, qui promoventur ibidem: videretur super hoc maxime providendum. cf. *Joannes Andreæ* (above, § 60, note 11) comm. in Decr. Greg. I. Tit. 32, c. 15: Pluries clamavi in tantum, quod de hoc fuit sermo in Coneilio Viennensi, quod optarem, quod curia reciperet

clergy the popes not unfrequently reserved to themselves the fruits of the first year (fructus primi anni).²⁶ Most oppressive of all, however, were the exactions which the popes were incessantly making, either for themselves or for the temporal princes, under pretext of a crusade.²⁷

vicesimam redditum clericorum totius orbis ad sustentationem Papæ et Cardinalium, et nihil exigi posset pro servitiis prælatorum, quos promovet, exceptis laxatis salariis laborantium, puta scriptorum et similium: et tunc provideret legatis et nuntiis, quos mittit, de prædicta quota; abstineret autem ab exactione fructuum primi anni, exactionibus decimarum et similibus, quæ nunc pullulant.

²⁶ At an earlier period, the bishops of various countries had succeeded in establishing, with respect to the benefices, to which they had the right of appointing, a jus deportuum, altogether answering to the jus regaliae (see above, § 63, note 6); in order, however, to make sure of their share, they had changed these vacantia into fructus primi anni, so that even in case of another change, the patron might still have the proceeds of the first year. This jus deportuum Clement V. now usurped to himself, first of all in England: *Matthæi Westmonasteriensis* (about 1377) flores histor. ad ann. 1306 (ed. Francof. 1601, fol. p. 454): Ipse vero Papa videns insatiabilem quorundam Episcoporum Angliae avaritiam, importune postulantum primas vacantes ecclesias per annum in suis diœcesis sibi concedi, advertensque, quia quod postulat inferior, potest et superior, appropriavit sibi ipsi per biennium omnes proventus de primo vacantibus ecclesiis in Anglia, videlicet de primo anno primos fructus, tam de episcopatis, abbatis, prioratibus, præbendis, rectoris et vicariis, quan de ceteris minutis beneficiis. This income from England was drawn still by John XXII. A. D. 1317 (*Raynald*, ann. 1317, no. 49): but soon after he extended this right to the whole church, reserving to himself (see the bull Cum nonnullæ A. D. 1319, Extravagg. comm. III. II. 11, an explanation of earlier bulls, no longer extant), pro ecclesiæ Rom. necessitatibus fructus, redditus et proventus primi anni beneficiorum ecclesiasticorum, etiam [leg. et jam] vacantium, et quæ in diversis orbis partibus usque ad triennium vacare contingeret, with exception only of the Archiepiscopales et episcopales ecclesiæ, ac regulares Abbatiae. In the Declaratio Nationis Gallicæ in Conc. Const. (1417) de Annatis non solvendis, cap. 2 (in v. d. Hardt Concil. Const. T. I. P. XIII. p. 764), it is remarked that this is the first reservation of the kind. Deinde postmodum nonnulli Romani Pontifices, ipsius (Joannis XXII.) successores, etiam certis temporibus similes fecerunt Reservationes, certis causis expressis. Quas Clerus, Principes et populus aliquo tempore tolerarunt. Sed postmodum nimium gravata ex iis, in aliquibus regnis et provinciis, recusaverunt solvere. Prout fuit factum in Anglia et quibusdam aliis locis. That these reservations differed from the Annatae is shown in *Boehmeri* observatt. sel. ad *de Marca*, lib. VI. c. 10, p. 153 seq. The origin of these last, see below, § 102, note 3.

²⁷ Continuatio Chron. Guil. de Nangis ad ann. 1326 (in *d'Achery* Spicil. T. III. p. 86): Papa depauperatum se videns, misit nuntios speciales per universas provincias Regni Franciæ ad petendum Ecclesiarum — subsidium pro guerra sua in Italia prosequenda. Quod Rex Franciæ, asserens hoc in Regno Franciæ inconsuetum, prohibuit: sed domino Papa sibi super his rescribente, postmodum Rex considerans *Do ut des*, faciliter concessit; unde et pro duobus succendentibus annis Papa Regi biennalem decimam super Ecclesiam concessit; et ita dum miseram Ecclesiam unus tondet, alter excoriat. How often and how long contributions were levied by the French kings on this pretext, see above, § 96, note 33; § 97, note 1. *Thomassini* vetus et nova Eccl. discipl. P. III. Lib. I. c. 43, § 10; they were almost constantly granted to the Spanish kings to carry on their wars with the Moors. See *Thomassini*, I. c. c. 44, § 3; not unfrequently also to the kings of England, thus A. D. 1306 for two years (*Matth. Westmonaster.* p. 454), 1317 for one year (*Raynald*, ad h. a. no. 49), 1333 for four years (*Thomas Walsingham*, p. 131), etc. Of which the Minorite *Johannes de Rupescissa*, 1349, says in his *Prophetia* (in *Edw. Brown* Appendix ad Fascie. Rerum expetendarum et fugiendarum. Lond. 1690, fol. p. 495): propter impositionem decimarum et visitationum, orationes quæ deberent fieri per clerum — convertuntur in maledictiones et lamentationes, et maxime contra illos, qui talia imposuerunt, quia tanta est pau-

Thus every kind of oppression, which in earlier times had been resisted to the utmost when attempted by the secular powers, was now practised in the church by the popes themselves. But most revolting of all was the base flattery of those who attempted, by a miserable

pertas in clero, quod onera non possunt supportare. Et quia prætextu guerrarum prædictarum sunt imposta, utinam reducerentur ad mentem verba, que ego audivi a domino Benedicto (XII.) sanctæ memorie super factis guerrarum, quod nunquam fuit intentionis faciendi guerras, etiam pro patrimonio Ecclesiæ, nisi cum armis spiritualibus: et dicebat etiam quod guerræ, quæ fuerunt factæ per Ecclesiæ, vel fierent in futurum, sortientur tristem effectum; et quod plus confidebat orationibus et lachrymis, quam impositionibus decimarum et visitationum, et ideo nunquam voluit talia concedere, sed cunctos ab omni gravamine conservabat; tamen dicta et facta sua et plurimum aliorum Deum timentium repitantur phantastica, et conversa sunt in cantica et musicum carmen. Under Gregory XI. A. D. 1372, the chapters and convents of Mentz united to resist a contribution of this kind which he had ordered. See the *Unio in Gudenii codex diplomaticus*, T. III. p. 507: having proved, qualiter sanctissimus in Christo Pater et Dominus noster, Dom. Gregorius, digna Dei providentia Papa modernus, decimam omnium ecclesiasticorum fructuum, reddituum et preventuum præsentis anni, per Provinciam Maguntinam et nonnullas alias Provincias Alemaniæ duxerit imponendum; they first enumerate the misfortunes which make such a measure impossible, amongst which usualis monetæ debilitas, que ut plurimum ex transportatione florenorum harum partium ad Romanam Curiam et aliunde facta communiter accidisse refertur. This had already gone so far, quod non est reperire personam ecclesiasticam civitatis et diocesis Maguntinæ, quæ de relitibus ecclesiasticis, deductis omnibus debitis, juxta sui beneficij et status exigentiam valeat sustentari. — Ex ante gestis tamen verisimiliter præsumimus, — quod idem S. D. N. Papa, quorundam, a quorum dextris stat diabolus, præferentium cupiditatem propriam juri, — sinistris informationibus fallacie ingenio circumventus excusationes nostras — non admittet, quin immo ad solutionem — dictæ decimæ nos artare et compellere curabit. — Ex quibus et propter exactiones Papales perplurimas in his terris Clerici ad magnam paupertatem redacti, servis immo Judæis comparati, detestabiliter despiciuntur, et a Laicis — quasi licite capiuntur, — ipsorumque bona diripiuntur et ignibus devastantur, ipsaque sancta sedes et nomen Apostolicum — adeo vilipensa diffamantur, quod proinde fides catholica magna vacillat in parte, Laicis videntibus Clericos — per se deum Apostolicam et ejus diversarum impositionum modos, videlicet *servitorum communium, decimarum papalium et imperialium, procurationum, Primarum, Annatum, subrentionum nuntiorum Apostolicorum, ecclesiasticalium reservationum, ac specialiter decedentium Prælatorum continuis extorsionibus affligi*. Et exinde diversa et gravissima animarum pericula et schismata — jam insurgunt, — laicis ipsis clamantibus, et despective contra Romanam Ecclesiam invenientibus, quod sedes ipsa — ad partes exteriores nunquam his temporibus mittit predicatores vel vitiorum correctores, sed quotidie mittit bene pompezantes, — pecuniarum pertissimos exactores. Et propter hæc et alia, — paucissimi jam in terris istis inveniuntur, nisi solo nomine Christiani. They therefore unite, ne quoque nobis, miserabiliter sicut præmittitur afflictis, intolerabilis afflictio superadatur, nosque per artationem et compulsionem solutionis hujusmodi Decimarum et aliarum Collectarum, quoquaque nomine censeantur, impostorum ut verisimiliter præsumiunt imponendarum, paulatim et successive ad extremæ exinanitionis dispendium deducamur, they agree to share all cost and danger, sic etiam, quod talis, quicunque hujusmodi rei occasione qualitercumque gravatus seu damnificatus, a nobis et a Clero non vitetur, nec in suis Ecclesia aut Monasterio — ab aliquibus actibus excludatur, sed quod suis præbendis ac beneficiis — pacifice gaudeat et fruatur, ac si gravatus nullo modo fuisset. Item nullus dictam Decimam in parte vel in toto solvat, seu se soluturum promittat, aut super ea componat — absque Nostrum scitu — et assensu. Et si aliqui forsan tenui conscientia tenti, trepidantes ubi trepidandum non est, etiam hujusmodi Decimam solverint, vel super ea se composuerint; — præter perjurii pœnam quam ipso facto incurront, a perceptione omnium fructuum — beneficiorum suorum — suspensi maneant, et sint infames, nec ad aliquam dignitatem, beneficium seu officium aliquod — per electionem se alterius dispositionis modum ullen tenus admittantur.

casuistry, to defend these manifest abuses of the popes,²⁸ not excepting even their Simony.²⁹

²⁸ e. g. *Augustinus Triumphus*, Qu. 68, Art. 1: Utrum Papa possit dispensare in pluralitate beneficiorum? — In collatione beneficiorum aliiquid est de jure divino et naturali, et aliiquid est de jure positivo. De jure namque naturali et divino est, ut beneficium detur propter administrationem officii. — De jure vero positivo est paucitas vel pluralitas beneficiorum; non enim possunt talia cadere sub una regula, quia considerata quandoque ecclesia necessitate vel personæ dignitate plura beneficia conferenda sunt uni quam alteri. Cum igitur Papa non solum possit illa, quæ sunt juris positivi, verum etiam supra ipsum jus potest dispensare (*Deer. Greg. III. 8, 4.* See above, § 61, note 8): ideo dicendum est, quod sicut de jure positivo communi, cuius Papa est conditor, facta est talis restrictio, ut nulli licet plura beneficia habere, sed quicumque recipit aliiquid beneficium curam habens animarum annexam, si prius tale beneficium habebat, est eo ipso jure privatus; sic Papa, qui est supra jus, potest talem restrictionem relaxare, etc. Qu. 72, art. 2: Utrum Papa peccet providingo compatriote et domestico magis, quam extraneo? *Videtur*, — quia bona communia sunt communiter dispensanda. Porro in provisione spiritualis beneficij causa spiritualis debet considerari, sed patria vel familiaritas est causa carnalis, non spiritualis. Porro scandalum multorum Papa debet maxime vitare; sed multi scandalizantur, cum compatriotis et familiaribus Papæ vel Prælati providetur magis quam aliis. — *In contrarium* est *Apostolus 1 Tim. 5*: Qui suorum et maxime domesticorum curam non habet, fidem negavit, et est infideli deterior. — *R. dicendum*, quod in provisione ecclesiastici beneficij vel potest attendi beneficium quod confertur, vel intentio conferentis, vel locus, in quo confertur. Si vero consideretur beneficium, quod confertur, cum sit spirituale, non debet dari nisi pro officio. Quanto ergo quis est sufficientior et dignior in officii administratione, tanto citius meretur beneficij provisionem. Si vero consideretur intentio providentis, aut providet compatriote et domestico ex aliqua causa debita magis quam extraneo, utputa propter ejus majorem paupertatem, vel propter receptum honestum obsequiuum, puto quod non peccat. Si vero faciat hoc ex causa illicita et indebita, ut præcise propter patriæ affectionem, vel consanguinitatem, vel propter cumulandas ejus divitias, peccato non caret provisio.

²⁹ *Alvarus Pelagius de planetu eccl. lib. II. c. 14*: Quærendum est, an Papa possit committere simoniām. Et tenet Thomas, quod sic. — Quamvis enim res ecclesiæ sint ejus, ut principalis dispensatoris, non tamen sunt ejus ut domini et possessoris. Against this: Papa legibus loquentibus de simonia et canonibus solutus est. Credo, quod si Papa in iis, quæ sunt prohibita quia simoniaca, ut vendere sacramenta, quorum venditio in veteri testamento etiam prohibetur, — pactum vel conditionem vel conventionem apponeret, committeret simoniām. — Secus in iis, que sunt simoniaca, quia ab ecclesia prohibita, ut vendere beneficia, sepulturas et similia, — quod tunc, etsi peccet malum exemplum dando, — si tamen ex certa scientia hoc faciat, nolens subjici juri positivo, quo solitus est, non committeret simoniām, licet ut dixi illa pactio et conventione etiam in iis de se grave peccatum sit. Sic sentio. — *Augustinus Triumphus*, Qu. 5, art. 3: Certum est, sumnum Pontificem canonicam simoniām a jure positivo prohibitam non posse committere, quia ipse est supra jus, et eum jura positiva non ligant. — Potest tamen forte simoniām committere prohibitam a lege naturæ, ut quod pro re temporali intenderet spirituale tribuere. — Certum est similiter, quod suminus Pontifex pro bono publico ab Episcopis et aliis Prælatis ecclesiarum accipere potest suminam pecuniæ, prout secundum Deum et rationem videtur sibi expedire, quod alii inferiores Prælati facere sine peccato non possunt.

III. HISTORY OF THE PAPAL SCHISM.

Original documents in *d'Achery Spicileg.* T. I. p. 763 seq. *Martene et Durand thesaur. novus Anecdotorum,* T. II. p. 1073 seq. *Eorundem Veterum Scriptorum ampliss. collect.* T. VII. p. 425 seq.

Theodorici de Niem (writer to the Roman Popes from 1378 — 1410, then appointed bishop of Verdun, and finally of Cambrai, † 1417), libb. III. de Schismate, and a continuation with the title *Nemus Unionis*, published together. Basil. 1566. fol. Argentor. 1608 and 1629. 8vo.

Works: *Pierre du Puy* histoire du Schisme (in his *Traitez* concernant l'hist. de France. à Paris. 1700. 12mo. à Bruxelles. 1713. 8vo.). *Louis Maimbourg hist. du grand Schisme d'Occident.* à Paris. 1678. 4to. *Jaq. Lenfant hist. du Concile de Pise* (T. II. Amsterd. 1724. 4to.), liv. I. et II. The *Prefatio* to *Martene et Durand ampliss. coll.* T. VII.

ROMAN POPES: Urban VI. (April 8, 1378 — October 15, 1389), Boniface IX. (November 2, 1389 — October 1, 1404), Innocent VII. (October 17, 1404 — November 7, 1406), Gregory XII. (December 2, 1406).

FRENCH POPES: Clement VII. (September 20, 1378 — September 16, 1394), Benedict XIII. (September 28, 1394).

§ 101.

ORIGIN AND PROGRESS OF THE SCHISM.

Urban VI., the successor of Gregory XI. († April 8, 1378),¹ offended the cardinals to such a degree by his severity,² that the greatest part of them withdrew to Anagni, declared his election unlawful, as having been compelled by the disturbances of the Romans,³ and

¹ According to the French accounts (see *Prima vita Gregorii XI.* in *Baluzii PP. Aven.* I. p. 442, and *Secunda vita ejusd.* ibid. p. 456) the choice of an Italian was brought about by the popular commotions, which is likely enough (see *Baluzii notæ.* ibid. p. 999 seq.); but according to the Italian accounts (*Theod. a Niem* I. c. 2. *Raynald*, ann. 1378, no. 2 seq.; 1379, no. 3 seq.) the choice was free, and there was only a transient tumult, occasioned by a misunderstanding, which took place after the election: comp. *Lenfant hist. du Concile de Pise* I. p. 7 seq.

² Also, it is true, by upbraiding them with the prevailing abuscs. Thus *Theod. a Niem* I. 4: *incepit increpare Episcopos, — dicendo quod omnes essent perjuri, quia Ecclesiæ suas desererent in eadem Curia residendo.* He then preached a sermon, cap. 5: *in quo etiam mores — Cardinalium et Prælatorum incepit redarguere, quod ipsi ægre tulerunt. — Veniens etiam illo tempore quidam Collector fructuum Cameræ Apostolicæ de quadam provincia ad præsentiam dicti Urbani, ei quandam pecuniæ summulam ratione sui Collectaneæ officii offerebat: cui respondens ait: pecunia tua tecum sit in perditionem, ac illam recipere non curavit. Similia multa insolita et abusiva de die in diem faciens, per quæ pene omnium Cardinalium et Prælatorum contra se magis iracundiam concitatavit. — Cap. 7: eum delirum communiter ipsi Cardinales iudicabant. — Sed paulo post suscitata nimis periculosa discordia inter ipsum et dictos Cardinales, prædictum schisma, magis propterera ex rancore mutuo partium, quam allegata impressione in electione dicti Urbani — habuit ortum.*

³ Their proclamation ad universos Christifideles ed. Anagniæ 9 Aug. 1378, in *Secunda Vita Gregorii XI.* in *Baluz.* I. p. 465 seq. cf. *Bulæ hist. Univ. Paris.* T. IV. p. 468 seq.

on the 20th of September, 1378, chose Clement VII. in his stead at Fondi. Joanna, queen of Naples, declared at once in favor of the new choice,⁴ though the prevailing sentiment in Italy was in favor of Urban.⁵ Clement betook himself, therefore, to Avignon, where he remained under the protection, and entirely under the influence of France.⁶ By the interference of the French⁷ he was immediately acknowledged in Scotland, Savoy, and Lorrain, and afterwards in Castile (A. D. 1381),⁸ Arragon (1387),⁹ and Navarre (1390).¹⁰ — Germany, England, Denmark, Sweden, Poland, and Prussia, on the other hand, declared for Urban.¹¹

⁴ She was at first much pleased with the choice of Urban, as being a Neapolitan (*Theod. a Niem* I. 6), but was afterwards alienated by his arrogance and refusal to comply with her wishes (*Theod. a Niem* I. 8. *Raynald*, ann. 1378, no. 46).

⁵ The two St. Catharines were in his favor. St. C. of Siena, who is said to have foretold the schism three years before (*Raymund Capuan.* in vita s. Cathar. P. II. c. 10, i. d. Act. SS. Apr. T. III.), expressed the greatest abhorrence of the revolted cardinals (Ep. 31: *induti humana carne dæmones antipapam dæmonis gerentem vices elegerunt*), and to her death († 1380) was a zealous partizan of Urban's. St. C. of Sweden, a daughter of St. Birgitta, was called as an eyewitness of Urban's election (protocol in *Raynald*, 1379, no. 20), and declared it to have been regular and not controlled by the populace: *interrogata quæ fuit ergo causa istius schismatis, respondit et dixit, quod credit, quod rigor justitiae domini nostri, qui Cardinalibus non erat blandus in eorum petitionibus, et corriger eos optabat.* — The most celebrated jurists of the time declared also for the regularity of the election, namely, *Joannes de Lignano*, papal vicar in Bologna (see *Raynald*, 1378, no. 31 seq., and in App. ad T. XVII. p. 510. *Bulæi hist. Univ. Paris.* IV. p. 482), *Baldus*, then Prof. in Perugia (*Rayn.* 1378, no. 36 seq., and in App. ad T. XVII. p. 497), *Jacobus de Sena*, Doctor Bonon. (in *Bulæi hist. Univ. Paris.* T. IV. p. 485 seq.). The strongest argument against the revolted cardinals was, that for several months they had acknowledged Urban as Pope.

⁶ Charles V. declared at once for Clement, on political grounds. The university of Paris did not decide till after long consultation, on the 22d of May, 1379 (*Bulæi hist. Univ. Paris.* T. IV. p. 566): the Natio Anglicana privilegiata mansit Parisius de gratia D. Regis sub obedientia alia, namely under Urban (*Bulæus* V. p. 65). The chief work in defence of Clement was that of Cardinal *Petrus de Barreria*, in answer to *Jo. de Lignano*. See *Bulæus* IV. p. 529. Of the Pope's dependence on the French court, see below, § 102, note 1.

⁷ *Prima vita Clementis VII.* in *Baluz.* I. p. 495: *Rex Francorum, ut per agnitionem veritatis et justitiae dicti Clementis — schisma sedari posset et extingui, quamplures ambaxiatores fere ad omnes Principes et regiones universas sæpius destinavit.* — *Sed heu tanta fuit fere ubique obstinatio, quod — quorunque missorum per dictum Clementem aditio impedita fuit.* See the instructions given to a French ambassador, in *Bulæus* IV. p. 520 seq. cf. *Richardi Ullerstoni* (professor of theology in Oxford) *Petitiones quoad reformat. Eccl.* (A. D. 1408, in *v. d. Hardt Conc. Const.* T. I. P. XXVI. p. 1170): *Occasio schismatis et somentum erat discordia inter regna.* *Quod profecto exinde patuit, quod regna inter se prius divisa partibus a se invicem divisis et inter se de Papatu contendentibus se parifomiter conjunixerunt.*

⁸ *Raynald*, 1381, no. 29. *Baluzii vitæ.* PP. Aven. I. p. 1281 seq. *Lenfant hist. du conc. de Pise* I. p. 34.

⁹ Peter IV. offered his allegiance to Urban, but on such terms that it was refused (*Raynald*, 1383, no. 5). Hence no pope was declared in Arragon till John I., immediately after his accession, declared for Clement (*Rayn.* 1387, no. 10).

¹⁰ *Raynald*, 1390, no. 20.

¹¹ The decision of after times on the question is as follows: The two historians of the fifteenth century, Antoninus, archbishop of Florence (in *Pagi breviar.*

The contest between the two popes was carried on with temporal as well as spiritual weapons. Urban deprived Joanna of the crown of Naples, and bestowed it upon Charles, duke of Durazzo. On the other hand, Joanna, with the aid of Clement, adopted the Regent of France, Lewis, duke of Anjou, and made him her successor (A. D. 1380). Charles, however, had already overrun the whole kingdom, taken Joanna prisoner (1381), and put her to death, before Lewis, whom the Pope had invested with various high-sounding titles,¹² appeared with his army (1382). The former still maintained his advantage, and the death of Lewis (1384) would have decided the contest as far as the possession of Naples was concerned, but for the disputes which now arose between Charles and Urban.¹³ These were carried to such a pass during a visit of the obstinate pontiff to Naples, that he excommunicated Charles, and was shut up by him in the castle of Nocera (1385). He escaped thence to Genoa (September, 1385), but was not yet brought to his senses. By the cruel execution of five cardinals, he embittered the hatred with which he was regarded; whilst, by refusing to invest Charles' son, Ladislaus, with the kingdom of Naples, he had nearly brought that kingdom once more into subjection to France. The capital was already taken by the generals of the young Lewis of Anjou (1387), and the whole kingdom would have fallen into his hands, but for the death of Urban, and the vigorous aid rendered to Ladislaus by his successor, Boniface IX. (1390).¹⁴ In order to secure the papal territory against the attacks of Lewis, Boniface bestowed many of the cities and castles on powerful nobles as fiefs.¹⁵ This aroused once more the desire of independence at Rome, the effect of which was to exclude the Pope from that city for a long time.¹⁶ Still he gained his great object. Lewis was forced to abandon Italy altogether,¹⁷ and Naples remained subject to the Roman Pope.

gest. Pontiff. Rom. T. II. P. II. p. 145), and Werner Rolewinck (fase. temporum Act. VI. in *Pistorii Scriptt. Rer. Germ.* T. II. p. 567), leave the question undecided. Since that time the opinions out of France, where the French popes have always been considered the true ones, have been mostly in favor of the Italians. In the later lists, therefore, the French popes are not reckoned, and thus we have another Clement VII. 1523, and Benedict XIII. 1724.

¹² He appointed him king of a new kingdom, *Adria*. See *Leibnitii Cod. juris gentium*, P. I. p. 239 (omnes — singulas terras, quas ad præscns nos et Ecclesia Romana in Italia extra regnum Siciliae habemus et habere debemus, per quoscunque et quacunque auctoritate possideantur seu detineantur ad præsens, exceptis duntaxat urbe Romana cum ejus districtu et provinciis Patrimonii sancti Petri in Tuscia, Campania et maritima ac Sabina, in unum Regnum erigimus, ipsas provincias — dignitate regia decoramus, ac Regnum Adriae ordinamus, statuimus et decernimus perpetuo nuncupari). Also *generalis Capitaneus*, ut nedium nomine proprio, sed etiam Ecclesiæ et suo (Papæ) ad negotia procederet supradicta (Prima vita Clementis VII. in *Baluz.* I. p. 504).

¹³ Of which and what follows, see *Theodor. de Niem* I. c. 28 seq.

¹⁴ *Raynald*, ann. 1390, no. 10 seq.

¹⁵ *Raynald*, ann. 1390, no. 18.

¹⁶ *Raynald*, ann. 1393, no. 5; 1395, no. 17.

¹⁷ *Raynald*, ann. 1400, no. 11.

§ 102.

OF THE OPPRESSIONS IN THE CHURCH.

By diminishing the resources of the popes, while it increased their expenses, the schism aggravated the evils which had already been almost intolerable.

The French Pope, Clement VII., was indeed compelled to consult the wishes of the court on which he was wholly dependent, in the disposition of various benefices,¹ but otherwise the church was given

¹ *Nicolaus de Clamengis*, Prof. artium in Paris, de ruina Ecclesiæ (in the older editions entitled de corrupto Eccel. statu (written 1394), c. 18 in v. d. Hardt Conc. Const. T. I. P. III. p. 19: Sed me præterire non decet, — quam et quam abominabilem fornicationem Papa et hi sui fratres cum sœculi principibus inierint. Namque ut sua dominia, imo verius ut suam tyrannidem, omnibus nec injuria supra modum invisam, inconcussa stabilitate confirmare possent, siveque tuto quodcunque libitum esset peragere: temporalium principatum, ad quorum se imitacione componere atque conforrnare in animum induixerant, captare amicitias, favoresque conquerirere, quacunque possent industria, studuerunt: nunc multa beneficiorum his, pro quibus exigissent, largitione, nunc xeniis et donis, nunc promissis uberrimis, sœpe assentationibus et gnathonicae doctrinæ versutis, fraudulentiss. Itaque ne longum faciam, adeo se et Ecclesiam universalem eorum arbitrio subjecerunt atque dediderunt, ut vix aliquam parvulam præbendam, nisi eorum mandato vel consensu, in provinciis eorum tribuere ausi essent. Si Episcopus aliquis obierat, si Decanus vel Præpositus, vel alia quælibet persona Ecclesiastica; quis, in demortui locum surrogari appetens, non prius ad Regem quam ad Papam ibat? imo vero quis ita insanus, ut absque regiis literis ad Papam postulaturus accederet? Mirabile dicturus sum, et quanquam vix credibile, verum tamen. Si quis Papæ necessarius, propinquus, familiaris, aut quilibet alio titulo dilectissimus pro sua apud eum promotione institisset, regales ante omnia ab ipsomet Pontifice jubebatur literas querere. — Quam vero importune, quam imperiose, quam manu, ut ita dicam, ensifera, terreni ipsi domini per suos sollicitati, Papam per suas quotidianas literas urgebant, nequaquam credibile foret, nisi res usu assiduo promulgata certitudinem faceret. Plus enim præceptorii et comminatorii scriptis res agebatur, quam commendatoriis vel precatoriis. Quibus si detrectassent Pontifices obtinerare, et alteri, quam pro quo petebatur, contulissent, certum erat illum non recipi. — Cap. 42, p. 46: Quid Clemente nostro, dum ad vixit, miserabilius? Qui ita se servum servorum Gallicis principibus addiceret, ut vix minas et contumelias, quæ illi quotidie ab aulicis inferebantur, deceret in vilissimum mancipium dici. Cedebat ille furori, cedebat temporis, cedebat flagitantium importunitati, fingebat, dissimulabat, largiter promittebat, diem ex die ducebat, his beneficia dabat, illis verba: omnibus, quos aut ars assentatoria aut ludicra in curiis acceptos fecerat, suminopere placere studebat, eosque beneficiis promereri, quo talium patrocinio dominorum gratiam et favorem assequeretur. His itaque et juvenibus nitidis et elegantibus, quorum maxime consortio gaudebat, singulos fere vacantes Episcopatus cæterasque præcipuas dignitates impendebat. Denique ut Principum benevolentiam facilius assequeretur, assecutum foveret, fotamque conservaret, conservtam amplificaret, plurima ultro donaria atque xenia illis dabat; quascunque super clero exactiones petere voluissent, annuebat, ultro sæpius etiam ingerebat. Sic omnem clerum secularium magistratum dispositioni ita subjiciebat, ut Papa magis quilibet eorum, quam ipse putaretur. Also *Prima Vita Clem. VII.* (in *Baluz*. I. p. 537): Multis etiam secularibus tam Principibus quam aliis fuit admodum familiaris et gratus, eorumque contemplatione et amore plures episcopavit et alias promovit, eis aliquando sufficientiores et idoneiores — postponendo, quandoque, ut eorum benevolentiam et favorem sibi et Ecclesiæ acquireret, quandoque ut ipsorum odium et indignationem evitaret, etc. *Theodor. a Niem de schism.* II. c. 4: Clemens multum favebat magnatibus sive nobilibus: unde potentibus ipsis terras, castra et dominia Ecclesiarum cathedralium et monasteriorum pro modico anno censu ab ipsis solvendo in feudum sine difficultate concessit, etc.

over to his extortions as long as the complaints were not too loud.² Tithes, Vacances, and Annates³ became now standing sources of revenue. Besides these, Clement claimed also the effects (spolia) of deceased prelates.⁴ His successor, Benedict XIII., went beyond him, if possible, in this system of extortion.⁵

² Chronique saint Denys, A. D. 1381, in the Preuves des libertez de l'église Gallicane, Chap. XXII. no. 6. Clement avoit bien trente-six Cardinaux, lesquels meus de grands avarices soustindrent d'avoir à peine tous les bons benefices de ce Royaume par divers moyens, et envoyeroient leurs serviteurs parmi le Royaume enquérans de la valeur des Prelatures, Prieurez et autres benefices : et usoit Clement de *reservation*, donnoit graces *expectatives* aux Cardinaux et *anteferri*. Et fut la chose en ce point, que nul homme de bien tant de l'Université que autres ne pouvoient avoir benefices. Exactions se faisoient tant de *vaquans* que de *dixiesmes*, et d'*arreraiges* des choses qu'on disoit estre dedans la Chambre Apostolique, et poursuivoit-on *les heritiers des gens d'Eglise*, et disoit-on, que *tous leur biens devoient estre au Pape*: et seroit chose trop longue à reciter les maux qui se faisoient, et les inconveniens qui en venoient : et tout souffroit le Duc d'Anjou Regent, aussi disoit-on qu'il en avoit son butin : et estoit grande pitié de voir les Escoliers à Paris et Regens, lesquels s'en alloient comme gens esgarez et abandonnez. Some restraint was imposed by the royal edict of the 6th of Oct. 1385, contra exactiones Curia Romanae et Cardinalium. *Ibid.* no. 8.

³ Of the origin of the Annates, see Nationis Gallicæ in Conc. Const. (1417) declaratio de Annatis non solvendis, cap. 2 (in v. d. Hardt Concil. Const. T. I. P. XIII. p. 764, see above, § 100, note 25): De vacantibus vero et fructibus primi anni *majorum Prelaturarum*, Abbatialium videlicet, Episcopaliū et supra, nullum aliud initium fuisse inventur, quam voluntaria et gratuita oblatio quorundam, qui in discordia electi ad Abbatalem vel Cathedralem ecclesiam, dum prosequerentur in Curia per appellationem ad eam factam, per eum, qui obtinebat finalem victoriam, et promovebatur sive eligebatur. Et talis oblatio et gratuita datio juxta vulgare Italicum dicta fuit servitium, et secundum Alemanos propina dicitur. Et dicta fuerunt servitia communia, quia communiter inter eos dividebantur, eo quod singulos, quibus dare volebat, non convocabat. Et singulis dare fuisse minimum onerosum his, qui tunc agebant in publico Consistorio. Sed postmodum deductum est in Consistoriorum secretum, quod tamen fuerat simoniacum. — Et successivo tempore volentes gratuitate dare et voluntarie conferre summam certam vel aliquid, eo quod tunc nulla certa taxa esset in Camera: quoad aliqua ad tertiam partem valoris Episcopatus, Monasterii, aliqua vero ad medianam, in aliquibus etiam taxa dictum valorem excedit, prout in libris Cancellariæ scriptæ sunt, et ultra pro minutis servitiis, compulsi sunt dare, et offerre ad solvendum se et monasterium, sive etiam obligare per suarum literarum retentionem. Et novissime additum est, et compelluntur per eandem retentionem se obligare ad id, quod reperiretur esse debitum in libris eorum Cameræ, sive domiuorun Cardinalium, per oblationem vel obligationem aliquujus prædecessoris Monasterii vel ecclesiæ, ad quain assumitur vel transfertur. — Cap. 3: Non petuntur, neque exiguntur *haec annatae* per Cameram Apostolicam et dominos Cardinales ex eo quod vacant, sed quia conferunt, seu quia collationi et promotioni, quæ fit per Papam, assentiunt. Et hoc est clare secundum canones Simoniacum. The *forma obligationis*, which the newly appointed prelates had to bind themselves to, see cap. 4. p. 786 seq.; compare an anonymous work of A. D. 1418, in *Bulæ hist. Univ. Paris. T. IV. p. 914*: Circa modum exactionis istarum vacantiarum est advertendum, quod ante tempora schismatis nulla solutio, aut obligatio exigebatur, sed habita possessione Collectores Apostolici levabant in multis et prolixis terminis taxam: ita quod taxa vix tribus, decem vel duodecim annis erat levata, et communiter remittebatur pars, et aliquando totum propter paupertates vel alias considerationes. — Post vero tempus schismatis ante traditionem bullarum solvebatur una magna pars, — et de reliqua parte recipiebantur obligationes formarum in durissima et cum tot censuris gravissimis, quod pauci fuerunt, qui non incidentur in illas.

⁴ Compare the edict mentioned in note 2, of Oct. 6, 1385: nunc cum Episcopum in Regno nostro ab hac luce migrare contingit, Collectores et Subcollectores summi

During the life of Urban VI. the Roman popes were favorably dis-

Pontificis — bona mobilia et immobilia ex decessu talium Episcoporum reicta — capiunt. — Et non solum bona prædicta Episcoporum capiunt, sed etiam Monasteriorum, postquam Abbates viam universæ carnis sunt ingressi, licet dicti Abbates non habeant, nec habere possint proprium. Of the oppressions under Clement generally, see *Nicol. de Clamengis* de ruina eccl. c. 8. in v. d. Hardt Conc. Const. T. I. P. III. p. 11: Adjecerunt autem summi Pontifices personis Ecclesiarum et Ecclesiis ipsi — vectigalia alia ad illam suam cameram, ino potius charibdim, fulcienda. Statuerunt namque, ut quoties aliquem virum Ecclesiasticum — ex ista luce migrare contingeret, aut suum cum altero quovis qualemque beneficium permutare, toties omnes *proventus primi anni* secuturi, certam ubique ad summam suo arbitratu taxatos, sua memorata camera acciperet. — Quid Prælatorum *spolia*, quid creberrimus *decimas*, omnibus Ecclesiasticis indictas, quid *angarias* alias commenoreni? Quid *concessas principibus* super clero universo a Papa et Pontificibus *exactiones*, cum seculari in illos solvendi coërcitione? Quid retentas *procurationes*, et sine ulla visitatione ab ipsis Episcopis et Archidiaconis ubique subtractas? — Quid infinita alia quotidiana onera tributorum, ab infortunatissimis Ecclesiarum ministris exacta, qua longum esset exequi particulatum, referam? — Cap. 9: Ad hac autem omnia exigenda — suos per omnes provincias *collectores* instituerunt, illos videlicet, quos scirent in extorquendo argento — acriores, et qui nulli omnino parcerent, nullum eximerent, sed vel ex silice aurum elicerent. Quibus et auctoritatem annuerunt, quoscunque, etiam prælatos, anathemate feriendi, — nisi intra præfinitos dies de postulata pecunia satisfacere curassent. Thus these Collectores suspensiones a divinis, interdictiones and anathemata became very common. Quis nescit, tot abbatibus, totque aliis prælatis, cum decessissent camere præ inopia obnoxii, negata funeralia, negata exequiarum solemnia, negatam humationem, nisi forte in agris aut hortulis aut prophanis aliis sedibus clandestino tumulati sint. Cap. 10. Of the venalitia judicia of the Court. Cap. 14. Of the avarice of the cardinals, who often drew, the income of 400 — 500 benefices. Cap. 15. Cernentes igitur inopes alii et calamitosi Ecclesiastici, nihil se posse consequi, — ad hos ipsos (Cardinales) se conferunt, et aut cum *simoniaca pravitate* beneficia ab iis mercantur, aut pensione annua, quod æque Simoniacum est, ab illis redimunt, etc.

⁵ This is seen from the Appellatio interposita per Universit. Parisiensem a Dom. Benedicto dd. 6 Jan. 1406 in *Martene et Durand* thesaur. anecdot. T. II. p. 1295 seq. and the royale Ordonnance dd. 18 Febr. 1406, in the Preuves des Lib. de l'égl. Gall. Chap. XXII. no. 9. In this Appellatio we read, p. 1302: Quantum hoc illud gravamen est, o piissime Jesu, quo (Benedictus XIII) sibi beneficii ejuscumque vacantis *unius anni fructuum perceptionem usurpavit?* Et vere omnium unius anni fructuum in non taxatis et exemptis, per æquivalentiam in taxatis, altera parte penes se reservata, altera capellano deputata, sic totum convellendum et secum rapiendum decrevit, ut plerumque beneficio atque beneficiato nihil penitus remaneat. Quantum etiam illud gravamen, et quam religioni ac moribus nostris contrarium, quo visitandi *procurationes* prælati et archidiaconi ad mores reformatos deputatas — sibi duxerit appropriandas. — Nec minus est onus *decimarum*, quibus est uti solitus. Nuper unam imposuit, propter quam alma mater Universitas a sermonibus et lectionibus decem septimanis cessare coacta est. Ab hac pauperes hujus regni sacerdotes ita fuerunt oppresi, ut et excommunicationem et ab officio suspensionem multo tempore passi sint. — Illud etiam novum et pene inauditum mihi gravamen videtur, quod ecclesiastico viro mortuo et adhuc efflante animam — *spolia* ipsius ac universa temporalia, quæ successori vel ecclesiæ debent attribui, per suos ministros tam impie rapiantur, quo tanta crudelitas sequuta est, ut inhumatus evulso monumento atque corrupto corpore suis spoliis effossus privaretur. — Non contentus vir iste fructibus unius anni, quem beneficii vacante appellat, multo tempore *beneficia pinguis vacare* permittit, et eo decursu sæpe duorum vel trium annorum et amplius spiritualium fructus vel temporalium rapi atque comportari suis jubet aptissimis satelliis. — Sed adhuc istius cupiditatis insatiabilis ardor non quiescit, petit *fructus* quos appellat *male perceptos*: — petit *vacantes* a quadraginta annis, pro quibus solvendis ecclesiæ plurimæ radicitus everterentur. Talium enim summa mille millia transcendit. An etiam omitten-

tinguished in this respect from the French.⁶ But Urban's successor, Boniface IX., imitated all the extortious of his rivals, whilst in Simony, which was openly practised, and even defended by him and his court,⁷ he went far beyond them.⁸

dum putatis, quod temporibus fructuum a suis injuste captorum pensiones ecclesiastum atque debita nullo modo persolvunt, quo fit ut pro talibus oneribus anni fructus sequentis non sufficiant. Exquisivit vir iste modos alios astutiores congerendae pecuniae, *monetam mutavit*, qua saepc pro quatuor millibus quinque colliguntur. — Monetam auream regni recipere volunt iudei ministri, nisi supra proprium valorem certam summam recipiant. — Litteras, absolutiones, quittancias pretio taxant intolerabili. Excommunicant saepc, ut absolitione pauperes spoliunt. Relaxant duntaxat quartam unius anni pro quatuor francis. — Omitto quæstus pecuniarum insolitos sub officio pietatis et indulgentiarum colore, quibus fallaciter innumeras pecunias a simplicibus exigunt, ut eos, sicut dicunt, ad statum reducant innocentia. Concerning the profits of the Annales, see Nationis Gall. in Cone. Const. Declaratio de Annatis non solvendis, c. 4, in v. d. Hardt Conc. Const. T. I. I^r. XIII. p. 780. According to this document they yielded 200,000 francs yearly in France alone.

⁶ See above, § 101, note 2. Still Urban did not restore the freedom of election, and also took Annates. Thus *Thom. Walsingham hist. Engl.* ad ann. 1382 (Anglica, Hibernica a Veteribus scripta ex bibl. Camdeni. Francof. 1602, p. 289), relates that Urban refused to confirm the choice of a certain abbot of Bury, and appointed another in his place; and that he was obliged at last by the king to admit the first election, yet he did not confirm the electionem de ipso factam, sed per provisionem concessit Abbatiam, ita duntaxat, ut solveret Romanæ curiae duplicitis vacationis censum. In A. D. 1389, Richard II. forbade the archbishop of Canterbury to collect the new contribution levied by the Pope on the clergy, see *Thom. Rymer fœdera, conventiones, etc. inter Reges Angliae et alios*, old ed. T. III. P. IV. p. 47 seq.

⁷ *Theodor. a Nîem de schism. II. c. 7*: Ipse (Bonifacius) reperit plures bonos et legales Cardinales, — qui simoniacæ vitium detestabantur omnino, quorum præ timore, quoad vivebant, quasi per septem annos nou audebat simoniam publice exercere, attamen per aliquos mediatores secrete — exercebat, intercedentibus pactis clandestinis de promotionibus per ipsum faciendis. — Cardinalibus autem pro majori parte successive defunctis, quos ipse simoniam odio habere cognovit, exhilaratus est nimium, quia tunc liberas habebat habenas simoniam pro libito etiam publice exercendi. (According to *Raynald. ann. 1392*, no 1, he had, however, in this very year passed a decree, ut redigendorum ex omnibus sacerdotis, que conferrentur a sede Apostolica, *rectigalium*, quæ primo labente anno obvenirent, *dimidia pars* in fiscum Pontificis inferretur). Sed denoum circa decimum annum sui regiminis, ut cautius ageret in hac parte, palliaretque simoniam, quam exercuit, quodam necessitatibus colore *primos fructus unius anni omnium ecclesiarum cathedralium et Abbatarum vacantium suæ camerae reservavit*, ita quod quicunque ex tunc in Archiepiscopum vel Episcopum aut Abbatem per eum promoveri voluit, ante omnia cogebatur solvere primos fructus ecclesiae vel monasterii, cui præfici voluit, etiamsi nunquam possessionem ejusdem consequi posset. De quo ipse Bonifacius penitus non curabat, imo saepc dicebat: utinam non adipiscatur possessionem ecclesiae vel monasterii hujusmodi, ut iterum de alio rursus pecunias extorqueret. Dicti autem primi fructus per ipsum aestimati fuerunt ad triplum illius, quod in *literis cameræ Apostolice pro communi servitio* solvenda taxata fuerunt. Et quia non omnes promovendi venientes ad Curiam sufficientibus pecuniis cum sacco parati erant, usura in Curia — tantum invaluit, quod fenus amplius non reputabatur peccatum. — Ut nihil ipse Pontifex omitteret, multas *uniones* ecclesiarum parochialium et aliorum beneficiorum ecclesiasticorum simonia intercedente fecit. Cap. 8: Hic Bonifacius suique secretarii et cubicularii in principio sui Pontificatus unius anni spatio vel plus, primam, que erat V Id. Nov., plus offarentibus vendiderunt tam invercunde ac frequenter, quod passim devenit in derisionem etiam populorum illa venditio, et ibidem Bonifacius sub pacto quæcumque beneficia ecclesiastica ubique locorum vacantium, sive reservata essent sive non, dispositioni Aposto-

Thus at the end of this period both divisions of the church groaned under a heavy yoke.

līce sub dato obitus eorum, qui ea vivi possidebant, vendidit, et hæc mercimonia publica multis annis duraverunt in curia Bonifacii. Invenisses etiam tunc plerosque curores per Lombardiam et alias partes Italie discurrere, perscrutantes, num infirmarentur aliqui pingua ecclesiastica beneficia obtinentes, et si aliquos invenirent ægrotantes, tunc currebant ad Romanam Curiam, et mortem talium intimabant illis, qui super hoc ipsos pretio conduxerunt. Sed Pontifex ipse, utpote improbus mercator, quandoque etiam sub eodem dato unum et idem sacerdotium pluribus vendens, veluti novum proclamabat pro secundo, tertio, vel quarto: concurrentibus simul in dato super uno et eodem beneficio sic vacante,— novas gratias posteriores in dato vendidit cum clausula *Anteferri*, per multos annos et tam diu, donec nulli vel pauci illarum gratiarum deinceps invenirent editores. Quod videntes ipsi proxenetae, ad inauditam prius practicam lucri captandi causa se improbe converterunt. Cap. 9: Fixerunt enim alias novas *gratias expectativas*, quæ omnes gratias illas in Dato præcedenti, quas vocabantur cum clausula Anteferri, prosternebant, sed illæ fuerunt nimis caræ, quia illæ cum simplici clausula Anteferri pro XXV florenis vel circa, sed alia gratiae cum antelationis prærogativa pro L ducatis communiter vendebantur. Simul quod ultima gratia per multos assidue ambitiosos emerentur, præfati mercatores seu institutores, ut plus lucerentur, novas cautelas invenerunt. Fecit enim dictus Pontifex perquam multas regulas cancellariae et alias ordinationes, per quas videbatur se hujusmodi gratiarum expectativarum a se tum passim venditarum effrenatam multitudinem restringere velle. Quod cum multi dictarum gratiarum sentirent emtores, novo pacto intercedente pecunario quæstu impetrarunt ab ipso, quod sub illis declarationibus non comprehendenderentur gratiae ipsi factæ. Beneficia etiam dispositioni dicti Pontificis generaliter reservata, et illa potissime, quæ vacabat in Curia præfata, plus offerent vendebant sub conditione, quod emptores illorum etiam primos fructus eorundem beneficiorum in prompta pecunia ad utilitatem cameræ Apostolice ante omnia solverent, quo facto tunc primum signabantur supplications pro ipsis emptoribus, in quibus dicta beneficia petebantur, et etiam postquam signatae fuerunt, si alter venisset forte, qui plus obtulisset, jam signatae supplications hujusmodi saepè de registris supplicationum dicti Bonifacii cancellabantur, et superveniens præferebatur præcedenti in dato: dicebat enim ipse Bonifacius, quod illi, qui minus obtulerunt, eum decipere voluissent. — Cap. 10: Præterea dispensationes, quæ petebantur ab ipso antistite pro quibuscumque, dummodo responderet pecunia, quam ejus rei causa petebat, indifferenter docto et illi carius, et indocto et huic remissius, pacto etiam intercedente, vendere non negavit. Omnia etiam beneficia in ecclesiis urbis vacantia vendidit, et si non potuit habere pecunias, res alias in comutationem recepit, ut porcos, sues, equos, granum et frumentum, etc. — Hic etiam Argus antistes libros, vestes, utensilia et pecunias suorum Curialium et Prælatorum adhuc quandoque ipsis agonizantibus per quosdam officiales suæ Curiae ad hoc deputatos pro se recolligi fecit ad instar corvi in prædam hiantis. Cap. 11.— postremo ad profundum iniquitatis descendens, nullam penitus supplicationem — signare voluit, nisi pro singulis supplicationibus — singulos florenos auri — receperisset. Cap. 12: Præterea idem Bonifacius circa septimum Pontificatus sui annum — certam ordinationem seu regulam suæ Cancellariae edidit, continentem in effectu, quod quicunque Archiepiscopi, Episcopi, necnon Abbates per eum promoti infra annum a tempore promotionis — computandum literas ipsius Bonifacii super eisdem promotionibus usque ad Thesaurarium expeditas non haberent, caderent a jure sibi acquisito ex promotionibus ipsis, ac ecclesiæ et monasteria ex eo per annum vacarent: dictæque literæ, licet solvissent per eum promoti aliquando pro majori parte expensas et onera, quæ de novo promotis incumbunt, non dabantur de ipsa Thesauraria, nisi totaliter persolvissent. — Et licet Innocentius VII — dictam ordinationem tanquam injustissinam et nequissinam in principio sui Pontificatus refutasset, postremo tamen ad importunam instantiam aliquorum lucri causa eam circa aliquos prælatos renovavit in principio secundi anni sui Pontificatus, propter quod Deus subito punivit eum, ut creditur, etc. — Under Boniface multi religiosi, et præsertim mendicantium ordinum fratres, quod possent ecclesiastica beneficia regere, et extra eorum ordines et loca religiosa morari, ac alia similia multa impetrarunt, nec potuit adeo quid injustum aut absurdum postulari, quod non concederetur interce-

§ 103.

ATTEMPTS TO RECONCILE THE SCHISM.

These aggravated evils combined with religious scruples to urge on the efforts for a reconciliation. The university of Paris, in particular, labored with unwearied industry to this end.¹ After waiting long in

dente simoniaco pacto et soluta pecunia. Compare the work *Matthæi de Cracovia* (from 1405 bishop of Worms, † 1409) written in the time of Boniface IX. de squaloribus Rom. Curia (best ed. in *Walchii Monim. medii ævi fasc. I*) e. g. c. 11. p. 48: Nec solum hoc modo destruantur ecclesiæ et monasteria: sed etiam per hoc, quod dantur Cardinalibus vel mulieribus in *commendas*, vel assignantur et committuntur prioratus. *Gobolini Personæ Cosmodromii Et. VI.* c. 84, in *H. Meibomii Rer. Germ. T. I.* p. 316.

² See above, § 100, note 28. *Theod. a Niem. II. c. 9:* Curiales pro majori parte affirmabant talia licite fieri, cum Papa in talibus, ut dicebant, peccare non posset. Cap. 32: Vivente eodem (Bonifacio) quidam integræ magistri in sacra theologia et alii in scientiis illuminati, dolentes ita communiter et aperte simoniam committi in Curia, et quod sic fieri posset, multis Juristis et aliis pertinaciter assentibus; in contrarium arguendo, et conclusiones in quaternas et codices redigendo determinarunt, licet sub magno timore, quod Papa vendendo ecclesiastica beneficia ex pacto intercedente simoniaco esset, quia non foret constitutus, ut illa venderet, sed ut dignis gratuito dispensaret. Of these works, in which the principle is attacked, that the Pope could not be guilty of simony, the most conspicuous are *Matth. de Cracoria de squaloribus Rom. Curia liber* (see note 7) cap. 11 seq. and the *Speculum aureum* (written 1404). According to the ill-founded supposition of *Goldast*, in his *Monarchia*, T. II. p. 1527 seq. the author is commonly called Paulus Anglicus, but according to *Theodorus Engelhusius* († 1434) in *Leibnitii Script. Brunsv.* vol. II. p. 1139, it was Albertus Engelstat (s. Engelshalc) Doctor s. theol. Pragensis: on the other hand, in a Codex of the *Speculi* in the library at Bonn, he is called Petrus Averunus: the best edition in *Walchii Monim. medii ævi*, vol. II. fasc. I. p. 67 seq.), see Pars II. et III. p. 136. cf. P. II. cap. I: Video tot et tantos scribentes in jure canonico, et suministas simoniæ vitium in romana curia excusare. Their grounds: *Bernardus (de Botono)* in glossa ord. (to Deer. Greg. I. 29, 12) ponit hanc communissimam distinctionem simoniæ dicens: quod quædam sunt simoniaca, quia prohibita, scil. constitutione ecclesiæ: quædam prohibita, quia simoniaca de sui natura, quæ scil. sunt novo et veteri testamento prohibita, ut emere vel vendere sacramenta. — Hanc distinctionem recipiunt communiter doctores, scribentes in jure canonico et suministræ. — Simoniaca, quia prohibita, dicuntur, que solum sunt spiritualia ex constitutione ecclesiæ, quæ anteā non fuerunt, sicut tituli beneficiorum ecclesiasticorum: et dicunt, talia jure positivo introducta, quia tempore Apostolorum non fuerunt decanatus, archipresbyteratus, canonicatus, etc. Sic similiter dicunt, ea vendere vel emere est simonia ideo, quia constitutione ecclesiæ emptio vel venditio talium est prohibita. — Et ideo dicunt, — quod excusat auctoritas Papæ, qui habet in talibus dispensare. — Quis enim dubitat, titulos ecclesiasticos jure positivo inductos? Nam solus Papa facit dignitates, instituit prelatos. — Unde sola voluntas, tacita vel expressa, tollit jus. — Et ideo dixit Goffr. et alii, quod simonia non habet locum in curia Romana. These principles are vehemently opposed in the dialogue by Paul, till Peter, P. III. c. 1. p. 189, is made to admit: Jam clare video, quod excusatoribus simoniæ est sublata excusatio, et fundamentum, quo videbantur innixi, raditus extirpatum. Imo, ut mihi videtur, hæresis est, asserere, quod Papa licet possit pro spirituali titulo recipere pecuniam: et multo magis, hoc facere in effectu. Propter quod videtur mihi, Paule, quod tota Romana Curia est in via damnationis, per ea, quæ superius demonstrasti. Omnis enim curtisanus ipso facto sui officii videtur particeps simoniæ.

¹ The university had, to be sure, suffered particularly during the schism, see § 102, note 2. The first steps were, therefore, taken in resistance to oppression, *Bulæ*

vain for some compromise between the two Popes,² the university at length received permission from the court to give an opinion on the subject (A. D. 1394).³ Benedict XIII. showed even less disposition than his predecessors had done (notwithstanding the promise given at his election) to take any effectual step towards a reconciliation,⁴ and

hist. Univ. T. IV. p. 582 seq. — In the same year, however, appeared *Henrici de Langenstein*, or de Hassia (Vice-chancellor of the university of Paris, from A. D. 1384, professor of theology in Vienna) Consilium pacis de unione ac reformatione ecclesiæ in concilio universalis quarenda (in v. d. *Hardt Conc. Const.* T. II. p. 10 seq.; and in *Jo. Gersonii Opp. ed. du Pin*, T. II. p. 809 seq.); and the professor of theology, Petrus de Alliaco, also recommended a general council to the duke of Anjou, as the best means of reconciling the schism, and assured him that such was the opinion of the university (*Jo. Launoji hist. Regii Navarrae Gymnasii*, Paris. P. III. lib. 1. c. 4).

² According to *Bulæi* hist. Univ. Paris. T. IV. p. 618, Clement, in a letter written as early as A. D. 1387, to all princes and prelates, declared himself ready, se Concilii generalis auctoritati et definitio libenter submissurum imo cessurum, si sic Ecclesiæ videretur expedire. The Roman Pope, Urban, however, in answer to the German princes, who attempted to prevail on him (*Theod. a Nîem* I. 66), ut unionem faceret cum Clemente, persisted in maintaining, quod ipse esset verus Papa, nec expediret illud in dubium vertere. His successor, Boniface IX, offered duke Stephen of Bavaria, to appoint his rival, if he would yield his pretensions to the papal crown, to be cardinal in partibus ultramontanis, quas Gallias et Hispanias appellant, etc. — and Apostolicæ sedis legatus et pro Ecclesia Romana in temporibus generalis Vicarius for life.

³ This opinion, dated 6 Jun. 1394, is in *Bulæus* IV. p. 687 seq.; in *d'Achery Spicil.* I. p. 776. The university proposes tres vias ad pacem in Ecclesia obtinendam, namely, cessionis, which it recommends, compromissionis and Concilii generalis, aut secundum formam juris ex Prelatis tantummodo celebrandi, aut quia plures eorum satis, proh pudor! hodie illiterati sunt, pluresque ad alterutram partem inordinate affecti, mixtis una cum Prelatis ad æqualem eorum numerum Magistris et Doctoribus theologiae ac Juris de studiis solemnibus utriusque partium antiquitus approbatos. — Si alter dissidentium aut uterque vias tres expositas inire obstinatus refugerit, — eum velut schismaticum pertinacem, et — hereticum — judicandum, etc. At the same time they wrote to Clement VII (*Bulæus* IV. p. 699), admonishing him to aid in putting an end to the schism, and complaining of his legate, Petrus de Luna (afterwards Benedict XIII): nobis ea quæ audivistis erga præfatum Principem pro Ecclesiæ salute agentibus — supervenit inimicus homo, qui — hunc totum laborem nostrum — extinguere et cassare, licet frustra, molitus est. Et primo quidem tentavit audientiam nostram in Regia præsentia impedire. — Deinde — super haec materia perpetuum silentium imperari nisus est, sed certe dignam — repulsa retulit, qui a Rege Christianissimo — tam execrabile scelus poposcisset. — Nequam qui hoc cogitavit, nequior qui tamen iniquo cogitatu consensit, nequissimus qui hoc ipsum abominandum facinus explore voluit. — Beatitudinem vestram talium vindicem esse decernatis, quam et nos in ultionem hujuscemodi malorum appellamus, imploramus atque exspectamus. Nam de modis et remediis, per quos suum damnabile propositum obtinere conatus est, quid attinet scribere? noti pene omnibus: — satis certe sciunt eos, — scient proh pudor extere Nationes, scient, inquam, utinam non ad *Vestræ sinceritatis dedecus*, *utinam non ad vestræ causæ detrimentum*. — Ea propter, Pater beatissime, per fidem integerrimam, — per amorem amplissimum et sanctissimum, quem ad sponsam Ecclesiam habere debetis, — vos hortamur, — ut ad hanc sanctissimam concordiam, quæ in manu vestra sita est, non ultra jam prorogando intendatis. Satis jam satis huc usque cessatum est, satis tepuimus, satis quievimus, satis exspectavimus, etc. In a Ms. there is a note to this letter (l. c. p. 701), that the Pope, when he read it, remarked: *literæ istæ male sunt et venenosæ*: from that time he continued to be dissatisfied, and soon after died.

⁴ The wish of the king and the minority to defer the election (*Bulæus* IV. p. 710; *d'Achery* I. p. 770) was disappointed. Still the cardinals had previously

returned an evasive answer to the urgent proposition of the French national synod (1395).⁵ The university, however, was not to be discouraged,⁶ and persevered till it at length brought about an agreement between the king of France and the emperor Wenceslaus, to force both Popes to resign (A. D. 1398).⁷ The latter was too weak to perform his part of the contract, but France renounced its allegiance to Benedict at another national synod A. D. 1398,⁸ and the

bound themselves by oath (*Bulæus* IV. p. 730), that whoever should be chosen Pope, omnes vias utiles et accommodas ad unitatem Ecclesiæ — sine machinatione seu excusatione vel dilatatione quacumque servabit et procurabit — usque ad cessionem etiam inclusive per ipsum de Papatu faciendam, si Dominis Cardinalibus — hoc pro bono Ecclesiæ et unitatis prædictæ videatur expedire.

⁵ See the account of this council by a Monachus s. Dionysii, in *d'Achery* I. p. 773; the Acta in *Martene* ampl. coll. T. VII. p. 437 and 458, both in *Mansi* XXVI. p. 773. The via cessionis was considered the best, and the king sent the Duke de Berry, Burgundy and Orleans to Benedict, to recommend it to him, (see the instructions given them in *Mansi*, I. c. p. 787). Benedict proposed, instead (see *Responsio* in *d'Achery* I. p. 789), a personal meeting with his rival, and a compromise, the futility of which was to be foreseen. Compare the *Narratio* of the university (*Bulæus* IV. p. 800, agreeing with the more detailed account of *d'Achery* I. 791, and the statement in the royal edict of 1398, *ibid.* p. 858): DD. Duce eum omni humilitate — D. Benedictum monerunt, ut dictam viam vellet recipere, sibi reducentes ad memoriam juramentum per cum præstitum: — ad quæ respondit glossando juramentum. — DD. Cardinales collegialiter omnes dempto uno asseruerunt ad dictum D. Benedictum, — qualiter prædictæ via adhæserant, tanquam meliori et breviori pro sedatione Schismatis, — quare finaliter humillime sibi supplicarunt, quatenus ad ipsam viam condeseendre vellet. Et ipse — negavit verbis comminatoriis, ipsos Cardinales — requirendo, ut cum ipso in sua via starent. — DD. Principes videntes et percipientes has responsiones, DD. Cardinalibus supplicaverunt, ut super deliberatione et conclusione per eos ad dictam viam cessionis facta et habita seedulam suis — sigillis munitam vellent dare. — Hanc supplicationem — audiens D. Benedictus, inhibuit sub pœnis excommunicationis, inobedientiæ et infidelitatis, ne hujusmodi seedulam conficerent. The Pope's letter, containing this prohibition, see in *Bulæus* IV. p. 731 (where it is erroneously referred to the schedula conelavis note 4) and *d'Achery* I. p. 794.

⁶ As Benedict de prædictis indignatus sine causa contra ipsam Universitatem et nonnulla ejus Supposita, processus aliquos et sententias, seu beneficiorum privationes facere præcepit et ad hoc faciendum aliquos commisit: the university appealed 1396 (see *Bulæus* IV. p. 799 seq.) a prædicto Benedicto prætensisque Commissis et Committendis, — nec non ab omnibus et singulis gravaminibus — illatis et alias inferendis ad proximum futurum unicum, verum, orthodoxum et universalem Papam, etc. To this appeal, dd. 30 May, 1396, which he asserted (I. c. p. 820) to have been made sub occasione nonnullorum per nos eis, ut falso dicebat (Procurator Univ.), comminatory et in posterum forsitan inferendorum gravarium, quin potius ut sub pallio hujusmodi conceptarum malitiarum suum intentum valerent prosequi, Benedict answered, *non licuisse seu licere a Rom. Pontifice appellare, seu etiam provocare: et nihilominus provocationem seu appellationem a jure prohibitam et damnatam esse, ac nullam, nulliusque efficacia existere, etc.* The university answered this letter with much effect in a second appeal (I. c. p. 821).

⁷ *Theod. a Nien* II. c. 33. *Anonymous* in *Martene* ampliss. coll. VII. p. 431. Eberhard Windeck (about 1434) *Gesch. Kayser Siegmunds in Mencken Scriptt. Rer. Germ. T. I.* p. 1077.

⁸ The Acta in *Bulæus* IV. p. 829. *Mansi* XXVI. p. 839 seq. The royal edict of 27 Jul. in *Bulæus* IV. p. 853; and in the *Preuves des libertez de l'egl. Gall.* chap. XX. no. 1: — ab obedientia totali ipsius Benedicti et ejus adversarii, cuius mentionem non facimus, cum nusquam sibi obediverimus — nos, Ecclesia, Clerus,

example was soon followed by Castile,⁹ the Pope being kept as a prisoner at Avignon.¹⁰ Nor was it till several years after that France was won back to the cause of Benedict, through the influence of the duke of Orleans, and then only under an express promise that he would comply with the wishes of the court (A. D. 1403).¹¹ But this promise it was soon evident that he had little intention of fulfilling.¹² Still, as the Italian cardinals had extorted a similar promise from their Pope, Innocent VII. (1404), at his election,¹³ it became necessary, for appearance' sake, to open negotiations. The failure of these excited general dissatisfaction, and France had already threat-

et populus Regni ac Delphinatus — recedimus, nuntiamusque auctoritate præsentium recessisse. Volentes inter cætera, quod abinde inantea ipsi Benedicto — de emolumentis Ecclesiasticis — solvere aut respondere neuno præsumat. Quod etiam occurrentibus vacationum casibus assumantur ad Prælaturas, dignitates, et alia beneficia electiva per electionem; ceteris etiam beneficiis provideatur per collationem eorum, ad quos hujusmodi electio et collatio spectant: — districti inhibentes universis et singulis subditis nostris, — ne præfato Benedicto, ejusque sequacibus — obediens quomodolibet — præsumant, etc. The 18 cardinals of Benedict thereupon wished a totali obedientia ipsius recedere and betook themselves to Villa-nova (*d'Achery I.* p. 799).

⁹ The edict of Henry III. of 12 Dec. 1398, in *Raynald.* ad h. a. no. 25.

¹⁰ See Acta vett. in *Baluzii Vitæ*, PP. Aven. II. p. 1122.

¹¹ The negotiations began as early as 1402. The dukes of Berry and Burgundy, as also the university of Paris, were against the restoration of Benedict, and the duke of Orleans, with the university of Toulouse, in favor of it. A long letter on the subject was addressed to the king by the latter (*Bulæus*, V. p. 4), and answered by the university of Paris (*ibid.* p. 25 and 30), as also in a large work of *M. Guil. Ronacensis Præpositus* (*ib.* p. 53). (An unprinted answer by Simon Cramand, patriarch of Alexandria, who had presided at both the previous national councils, is in the library of the university of Bonner). Finally, the Orleans party succeeded in bringing about the restoration at a new council, *Bulæus*, V. 63. *Preuves des lib. de l'Egl. Gall. ch. XX. no. 7.* The promises referred to in the text were given to the assembly by the duke of Orleans (ll. cc.): Monseigneur le Due d'Orleans se fait fort d'avoir Bulles de nostre S. Pere, de l'acceptation de la voye de cession en trois cas, sçavoir *Adversario cedente, decedente, vel ejecto.* — Item que nulle discussion ne sera jainais faite de la soubstraction en Concile general, ne autre part, et toutes injures, qui ont esté faites ou dictes à cause d'icelle, et empeschemens donnez d'une part et d'autre soient annulez et par-donnez, et mondit seigneur d'Orleans se fait fort d'avoir Bulles, comme dessus. — Item le Roy ne l'église de France n'entendent point que aucune chose soit innovée és collations et promotions faites par les Ordinaires pendant la substraction. — Item le Pape célébrera un Concile général de son obeysance dedans un an, selon forme de droit, le plus-tot que faire se pourra, ou quel sera traité et appointé de la poursuite de l'union dessusdicté et des Reformatiōes et libertez de l'Eglise, et des subsides et charges quelsconques, qui sont par la Cour de Rome sur l'Eglise de France. Et le Pape mettra à execuption ce qui sera appointé et ordonné audit Concile.

¹² He began immediately to oppose the appointments that had been made during the interval, and demanded the usual papal fees for the past 40 years. See the royal edict of 19 Dee. 1403, in *Bulæus*, V. p. 67.

¹³ *Theod. a Niem.* II. c. 34: ante electionem ipse Innocentius — ac ipsum eligentes prædicti Cardinales sponte jurarunt et voverunt, quod quicunque ipsorum eligeretur in Papam ad hoc, quod dicta unio fieret, ejus Papatui pure et sponte cedere deberet, dum tamen dictus Petrus de Luna (Benedictus XIII) etiam suo Papatui sponte cedere vellet. This *Compromissum* of the cardinals, see in *Martene thes.* II. p. 1274 seq.

ened once more to renounce its obedience (at the national council, January, 1407);¹⁴ when at length the two Popes arranged a personal meeting at Savona, in September, 1307.¹⁵ Benedict was true to his appointment, but Gregory XII. went only as far as Lucca, and there opened new negotiations as to the place of meeting.¹⁶ This breach of promise offended the Roman cardinals to such a degree, that they forsook him,¹⁷ and renounced their allegiance to his cause,¹⁸ whilst the French did the same with regard to Benedict.¹⁹ Benedict escaped

¹⁴ *Acta in Bulæus*, V. p. 137. *Martene thes.* II. p. 1307. *Mansi XXVI.* p. 1017.

¹⁵ *Capitula accordata in Massilia die XXI Apr. inter D. Benedictum ex una parte, et duos Episcopos, etc. legatos D. Gregorii, etc : in Martene thes. II. 1314.*

¹⁶ *Theod. a Nien.* III. c. 14, 17—19. *Ejusd. nemoris unionis Tract.* III. *Leonardi Aretini* (then at Gregory's court) rerum suo tempore in Italia gestarum comm. (in *Muratori scriptt. Rer. Ital.* XIX. p. 926): Voluntas illa Pontificis (Gregorii) recta nequaquam satis habere firmatis reperta est ad Pontificatum deponendum: eujus rei culpan multi in propinquos ejus referebant; ab his enim formidines inanes, et adumbrata pericula quotidie fingi, ac instillari ejus auribus prædicabant, quibus ille deterritus nec Saonam accedere voluit, altero Pontifice illuc constituto tempore se exhibente et absentiam ejus incusante; et in ceteris, quæ facienda erant, difficilem se præbuit et morosum. Roma tamen profectus est Senas, ibique longiore mora protraeta, quum ab universis accusaretur, Lucam se tandem contulit, data rursus inani spe quasi cum adversario Pontifice coiturus. Erat in altero Pontifice non melior sane mens, sed oecultabat callidius malam voluntatem, et quia noster fugiebat, ipse obviam ire videbatur. Itaque Saona profectus est in Veneris Portum, atque inde, quo proprior esset, Spedian venerat. Sed quum de congressu eorum per internuntios ageretur, noster tamquam terrestre animal ad litus accedere, ille tamquam aquaticum a mari discedere recusabat. The Acta of the negotiations between the two Popes in *Theod. de Nien Nemoris Unionis Tract.* VI. c. 2 seq. *Martene thes.* II. p. 1366. *Ejusd. ampl. coll. VII.* p. 759.

¹⁷ The immediate occasion was the order of Gregory: *Præcipimus omnibus — cardinalibus — sub pena privationis cardinalatus et omnium beneficiorum, — ne a die quarta videlicet Maji in antea, aliquis eorum exeat de Luca sine speciali et expressa licentia nostra; — ne ulterius congregentur in aliquo loco sine expresso mandato nostro; — ne aliquis eorum participet cum oratoribus Petri de Luna, neque cum oratoribus Gallicis sive per se sive per interpositam personam. The cardinals in Pisa first appealed against this order on the 30th of May (*Martene thes.* II. p. 1394).*

¹⁸ Encouraged to the step by a letter of the king of France, of 22 May (*Bulæus*, V. p. 162), and the university of Paris, of 29 May (l. c. p. 163). Their proclamation *ad universos Christi fideles* from Leghorn, July 11, in *d'Achery spicil.* I. p. 807: eundem Gregorium velut hæreticum et nutritorem schismatis antiquati dereliquimus sibi, cum juxta canonicas sanctiones peccatum sit ei obedientiam præstare, die XI mensis Maji proxime præteriti omnem quantum in nobis fuit obedientiam juxta juris exigentiam abstraximus, ac recessimus ab eodem, dispositi ut oportuit et oportet ex adverso consurgere, et murum nos opponere pro domo Israël. Then an exhortation to all the churches to refuse obedience to Gregory.

¹⁹ A royal edict of 12 Jan. 1408 (more Gallicano 1407). *Bulæus*, V. p. 147 and 172) declares: *judicamus, — nullum ad præsens patere validius in tam desperato malo remedium, quam quod neutri contendentium, ac sibi forte successuris, præstetur deinceps obedientia a populo Christiano: deficiente siquidem fomite ignis iste infernalis donante Deo collabetur. Quapropter — nos et Ecclesia regni nostri et Delphinatus Viennensis — decrevimus talēm amplecti neutralitatem in festo Ascensionis proxime venturo, nisi interea nobis publica pax advenerit, et prædicta fiat unio. Benedictus now issued the bull of excommunication, which had been prepared as long ago as the 19th of May, 1407, for the national council which was then assembled (l. c. p. 143) in omnes et singulos, qui Ecclesiæ unionem — impe-*

imprisonment by flying to Perpignan, but the cardinals on both sides assembled at Leghorn, and appointed a general council at Pisa, in March, 1409, for the final adjustment of the schism.²⁰

§ 104.

EFFECTS OF THE SCHISM ON THE STATE OF PUBLIC SENTIMENT IN ECCLESIASTICAL MATTERS.

The schism, with its attendant evils, drew the general attention to the state of the church, whilst the impotence of the popes gave full scope to remark ; and the consequence was the universal prevalence of such sentiments on the subject as had hitherto been uttered only in the heat of controversy, and of course not without some appearance of passion and partiality. These sentiments now took such deep hold even of the truest adherents of the church, that they never after could be entirely eradicated. The papal authority, hitherto considered the highest in the church, being now in dispute between two claimants, and all hope of a compromise apparently cut off, it became necessary to seek for some still higher authority in the almost forgotten ecclesiastical laws. This was of course the part of the learned ; and thus Science assumed the office of arbitrator, and her representatives, the universities, especially the university of Paris, attained an influence feared even by the popes.¹ The comparison of the present with the past led also to many other convictions hardly less unfavorable to the papal power. There were indeed but few, who went so far as actually to wish that power abolished as the source of all evil in

dierint, aut turbaverint, et a nobis — appellare præsumpscrint, seu a nostra — obedientia recesserint, etc. This, together with another letter of a conciliatory character (l. c. p. 152) was, with due formalities, destroyed (*Monachus S. Dionysii b. Bulæus*, V. p. 170). Preuves des lib. de l'égl. Gall. chap. XX. no. 15), and the king declared himself neutral. (Edict of 25 May, 1408, l. c. p. 165). A new national council (11 Aug.) enacted the *Advisamenta super modo regimini Eccl. Gallicanæ durante neutralitate* (in the Preuves, l. c. no. 16. *Bulæus*, l. c. p. 175).

²⁰ The summons of Benedict's cardinals of 14 Jul. in *d'Achery* I. p. 811; of Gregory's, *ibid.* p. 814.

¹ cf. *Prima Appellatio Universitatis a Benedicto XIII. A. D. 1396* (*Bulæus IV.* p. 806) : Nec est credendum, Jesum Christum sponsam suam omni adjutorio spoliatam relinquere velle ; sed pie dicendum, adjutorem et propugnatorem suscitasse, suscitasse inquam Danielem eruditum in sapientia adversus scnes. Susannam Ecclesiam, pudicam Christi sponsam, qua unius cubiculi puritatem casto pudore custodivit et custodit, adulterare molientes, contra Jasonem et Menelaum prætacitos, de Pontificatu dissidentes, Mathatian Mathateosque (*leg. Maccabæosque*) legis Dei zelatores ferventissimos, *Universitatem Parisiensem*, matrem omnium scientiarum, fontem sapientiae totius inexhaustum, lumen Ecclesiæ verum quod nunquam appropinquat occasui, nunquam pertulit eclipsim, speculum fidei tersum et politum, convexum non concavum, non angulosum, nullis offuscatum nebulis, nullis contagis maculatum ; *Serenissimum Regem Francorum*, solem Justitiæ, illustres *Duces cæterosque Principes domus Franciæ*, stellas fixas in luce orthodoxæ religionis clarissimo resplendentes fulgore.

the church.² But, on the other hand, its most faithful friends could not but see that the power of the popes was overgrown, and their pretensions beyond bounds exaggerated.³ They saw in the temporal ambition of the popes the source of all mischief, as also of the schism,⁴ and sighed for the times when the emperors summoned

² Epist. Univ. Paris ad Clementem VII. A. D. 1394 (*Bulæus* IV. p. 700): Jam eo ventum est, et in tantam perniciem erroremque res processit, ut plerumque passim et publice non vereantur dicere, *nihil omnino curandum quot Papæ sint*, et non solummodo duo aut tres, sed decem aut duodecim, imo et singulis regnis singulos præfici posse, nulla sibi invicem potestatis aut jurisdictionis auctoritate prælatos. It was maintained by *Jo. de Guignecurtius* of Paris, that the church could do without the pope altogether (*Enguerrand de Monstrelet* I. c. 30, 43, 52, cited in the Catalogi testium veritatis Auctarium, Cattopoli. 1667. p. 100).

³ Comp. *Jo Gersonii Considerationes de Pace*, in a sermon delivered before Benedict XIII. on new year's day, 1404, in Tarascon, Consid. I. (Opp. ed. *Du Pin*, T. II. p. 69): Quis non videat, quam impium est, præsertim apud eos, qui se Ecclesiasticos dici volunt, si peritos in Evangelica lege vel non consultare vel abjicare, vel majori sacrilegio, habere probro cognoscantur; hinc errores, hinc præsumptuosa assertiones, hinc perplexitates inexplicabiles, hinc obstinatae defensiones adinventionum huminanarum in perniciem Ecclesiæ et pacis salutiferæ, finis sui, surgunt: ut, quod non licet disputare de potentia Papæ, quod non potest sibi dici, cur ita facis? cum tamen sit peccabilis; quod non potest in aliquo casu Ecclesia sine eo convocari vel aggregari; quod hic est fidei articulus, Benedictus est Papa (exempli gratia); quod non potest in aliquo casu ad Concilium Papa vocari; quod absque eo non stat salus, cum tamen salus Ecclesiæ in solum Deum ordinetur absolute et essentialiter, et in hominem Christum de ordinata lege, sed accidentaliter ordinatur in Papam mortalem; alioquin, dum vacat Sedes per mortem Papæ vel naturale vel civilem, utputa si sit haereticus depositus, quis hominum salvus esset? Alii Papam prædicant impeccabilem, alii omnipotentem, alii sine ulla exceptione credunt extra salutis statum quemlibet suæ parti non obedientem. — Quod quanta temeritate dicatur, ipsi viderint assertores.

⁴ Comp. the jurist *Jo. Petri de Ferrariis Practica* (written 1409 — 1413), *Forma responsionis rei conventi* (edit. Lugdun. ann. 1502, fol. 39): Quomodo et quot modis isti clericci illaqueant laicos, et suam jurisdictionem ampliant! Sed heu miseri Imperatores et principes sæculares, qui hæc et alia sustinetis, et vos servos Ecclesiæ facitis, et mundum per eos infinitis modis usurpare videtis, nec de remedio cogitatis, quia prudentia et scientia non intenditis, etc. — fol. 43 verso: easus, in quibus non currit præscriptio, — Nonus est, dum est schisma in ecclesia Dei, sicut moderno tempore, quo sunt duo Papæ, qui jam durarunt XXX annos et ultra; et perseverabit, nec unquam quiesceret ecclesia, nec Italia, donec ipsa Ecclesia possideat civitates vel eastram, et donatio eidem facta per Constantinum fuerit per aliquem probum et potentem Imperatorem penitus revocata, cum non bene conveniat psalterium cum cithara, nec datum sit a Christo, nec a h. Petro, quod possidere debeant talia. Sed quod est Cæsar, reddatur Cæsari, et quod est Dei, Deo. — *Forma in actione confessoria pro servitutibus* fol. 113 verso: — Vides, quod ipse Papa, qui deberet tanquam verus vicarius vestigia sequi Jesu Christi, possidere et manu armata nititur detinere jurisdictionem in terris, civitatibus et villis et locis, quæ sunt naturaliter, et a mundi creatione et Christi ordinatione, Imperii Romani. — Immo ipse Papa in ipso Imperatore nititur superioritatem habere, quod ridiculum est dicere, atque abominabile audire. Nam naturaliter a principio mundi omnes Clerici, nedum Laici, erant sub potestate et jurisdictione Imperii: sed ipsorum Imperatorum duleidine et benignitate fuerunt clerici dimissi sub potestate Papæ, et beneficium hoc tanquam ingrati sciunt male cognoscere, ut notat P. Innoc. in c. II. de maj. et obed. Bene ergo et sancte faceret ipse Papa, si totam corporalem jurisdictionem in manibus Imperatoris remitteret, nec aliter unquam respublica, et maxime Italia, quiesceret: nec ulterius de Papatu tale schisma, quale fuit et est XXXVI annos præteritos, ullo tempore amplius accideret; et ex hoc status universus clericorum magis redderetur Deo ac populo devotus, et ipse Papa cum Cardinalibus viveret quietius ac Deo devotius, et populo magis acceptius et gratius.

Synods by their own authority to compose schisms as soon as they appeared.⁵ Equally general was the indignation at the ecclesiastical abuses of the popes, and the wish to remedy them by putting bounds to the papal authority.⁶ No question was more frequently discussed

⁵ *Theodoricus a Niem de schismate III.* c. 7: Fatue et adulatorie loquuntur illi, qui dicunt, quod Papa seu ecclesia duos habet gladios, scil. spiritualem et temporalem. — Etenim si uterque gladius apud Papam existeret, supervacue vel ficte Imperator, vel Rex Romanorum illud nomen haberet. Sed isti adulatores seu assentatores per talia scripta et dicta inducunt maximum errorem in tota Christianitate, et suscitant quodam modo perpetuam aumulationem seu discordiam inter Papam et Imperatorem. Conculeatur enim per hoc imperialis auctoritas, et ejus potestas sub dubio collocatur in totius reipublicae detrimentum, ut videamus. Patet enim ex Decreto, quod, cum schisma viget in Romana sede, quod propter auctoritatis excellentiam et in temporalibus potentiam Imperator, vel Rex Romanus prelatos ecclesiasticos potest convocare, ut illud ominino tollatur. Quod credo intelligi debere de illis, qui re et nomine Imperatores vel Reges existunt Romani, non autem de illis, qui desides, seu solo nomine Imperatores seu Reges Romani sunt, sicuti fuerunt Imperatores et Reges Romani, quos nostro tempore habuimus et habemus. Illi enim non merentur Imperatores vel Reges Romani nominari, qui sunt pusillanimes et effeminati. By way of comparison he relates how Theodoric, king of the Ostrogoths, conducted in a case of a disputed papal election: quod autem imperialis potestas sit praecipue super malum et incorrigibilem Pontificem Romanum, per quem scandalizatur Ecclesia, he proves, c. 9, by the history of Otho's interference against John XII.: tunc erat adeo excellens Augustus, quod nemo contra ejus voluntatem aliquem Papam, praesertim malignum, abjectum, vel schismaticum ausus fuisset publice confovore. Cap. 10. Quid igitur inducit aliud haec pompa tantorum temporalium dominiorum, de quibus nunc gloriat ecclesia Romana, quam negligentiam in spiritualibus, et erectionm tyrannorum in eisdem dominiis, et divisiones seu schismata in eadem ecclesia, et alia mala plurima, [sicut] satis est notum. Cap. 11: Quis tunc disputasset cum eodem magno Augusto Ottone de ipsis iudicio super contendentes super Papatu, seu perverso unico Papa, scil. quod nisi a Deo possent judicari? Utinam talis Imperator surgeret temporibus nostris, qui nunc cassaret scripturarum multiplicitatem in hoc labyrintho, quae adeo creverunt, — quod vix eos centum camelii portarent. Nec credo illud obstarere, quod Canonistæ dicunt, quod Papa, nisi a fide sit devius, dejici non possit, et quod nemo judicat primam sedem. — Quae licet ita teneantur, tamen in putativo et contendente de Papatu in schismate variantur nec subsistunt, nec etiam intelliguntur rationabiliter in uno et indubitate Papa malefico, et ecclesiam scandalizante, quia ille revera proprie dici non potest Christi vicarius, — sed bestia magis proprie appellatur, etc.

⁶ This Benedict XIII., 1403, had to promise the French church, see above, § 103, note 11. *Matthæus de Cracovia* de squaloribus Rom. Curiæ (see § 102, note 7), cap. III.: Considerandum, quo jure, ratione, vel modo sedes apostolica sibi usurpaverit promotionem et provisionem Episcopatum, Abbatiarum, et aliarum dignitatum, collationem quoque omnium beneficiorum, quæ sunt de jure patratus spiritualium personarum. Et videtur quod non de jure, sed contra jus et cum injuria capitulorum, — quibus competebat electio, — nec non cum injuria Episcoporum, etc. — Forte dicitur, quod sedes Apostolica fecit hoc ob culpam, et in poenam Prælatorum et capitulorum, quia hi eligebant et illi providebant minime bene. Sed si illa ratio valeret, tunc etiam deberet auferri et dimiti ab ecclesia Romana: quia jam providet ita male, sicut prius est facturo. — Insuper hoc non est de jure introductum, sed per cautelam et astutiam. Quia, ut fertur in principio electionis ac coronationis sua: Apostolici dirigebant primarias preces diecesanis pro familiaribus suis. Talis enim ordo et Romanae curiæ fuit consuetudo, quod primo monitoriæ, secundo præceptoriorum, ultimo executoriorum litteræ concedebantur (see § 62, note 10). — Item non erat verisimile, quod nullus Prælatorum bonus et diligens fuerit in providingendo, et ideo non debuit omnibus auferri. — Amplius haec non est poena medicinalis, quæ non sanat, sed mortificat. Nec enim per hoc provisum est, ne male provideant, sed ne quicquam in hoc boni vel mali faciant, sicut si Deus homini peccanti libertatem voluntatis auferret, ne ultra peccaret. Am-

during the schism than the (for the pope so dangerous) one of the relation of the papal authority to that of an œcumeneical council; a question at length decided in favor of the latter.⁷ The result of the

plius quando Prælati conferebant beneficia, melius impediri vel revocari potuit mala provisio, et puniri male providens, quam jam. Tunc enim Papa tanquam superior potuit irritare provisionem, privare institutos, et instituere meliores. Hoc autem per inferiores contra superiorem fieri non potest tam bene vel congrue. The Pope had not the necessary local knowledge of things to make wise appointments. Evil consequences of the papal Reservations. Cap. IV.: Posito autem, sed propter rationes præmissas non concesso, quod Papa de jure — potuerit omnium beneficiorum et dignitatum sibi collationem attrahere, quid boni vel utilitatis importat ista mirabilis multitudo *gratiarum* ad beneficia vacatura? — tot gratiæ sunt, ut non sit possibile, vel medietatem earum effectum habere. — Hence Cap. V. the advice, recurrendum ad priora jura, non faciendo gratias expectativas, and to leave the elections to the Ordinarii, sicut erat prius. Comp. Speculum aureum (see § 102, note 8), cap. 4 seq. *Nicolaus de Clamengis* de ruina Ecel. (see § 102, note 1), cap. 4 seq.

⁷ *Matthæus de Cracovia* de squaloribus Rom. Curiæ, c. 20: Dicunt (the papal party), quod si Papa peccet, oportet tamen obedire et non resistere, — imo nec judicare, quia membra non debent regere caput, sed e converso. It is conceded: nullus inferior habet judicare superiorem, imo nec communitas, quandiu restat aliquis superior, cui de jure competit, et qui velit justitiam facere. — Quando vero non est aliquis talis, qui possit, et si est aliquis talis, qui possit, et si est invocatus, non velit facere, quod officii sui est; tunc communitas tota, vel hi qui sunt et totum sinul aut partes repräsentant, possunt judicare eum, in quo manifestum est eum delinquere, et in quo incorrigibilis esse et perseverare comprobatur. Cap. 21: Ad hoc convenientius declarandum, ponatur casus, — quod ipse Deus aliquem Abbatem — exemerit — ab omni jurisdictione spiritualium et sacerdotalium, etiam Papæ, et quod Abbas ille in reprobum sensum conversus gravet monachos suos, contra regulam intrantes simoniace recipiat, — onnes sibi consentientes permoneat ad agendum contra salutem suam et regulam, committitque bona monasterii monachis dissipatoribus eorundem. Et arguitur primo, quod in hoc casu non teneat ipsi obedire monachi, sed resistere et opponere se ipsi, — et si opus est, ad ejus depositionem procedere. For this the proofs. Cap. 22: Si ergo contingat, quod Papa sie agat circa universalem ecclesiam, sicut talis Abbas, — sequitur, — quod possint et debeant procedere contra eum. — *Jo. Gersonii* tract. de unitate eccl. written in January, 1409 (Opp. ed. du Pin, II. p. 114). Consider. II.: Unitas Ecclesiæ essentialis semper inanet ad Christum sponsum suum, nam caput Ecclesiæ Christus. — Et si non habet Vicarium, dum scilicet mortuus est corporaliter vel civiliter, vel quia non est probabiliter exspectandum, quod unquam sibi vel successoribus suis obedientia præstetur a Christianis; tunc Ecclesia tan divino quam naturali jure, cui nullum obviat jus positivum rite intellectum, potest ad procurandum sibi Vicarinni unum et certum seinet congregare ad Concilium generale repräsentans eam, et hoc non solum auctoritate DD. Cardinalium, sed etiam adiutorio et auxilio cujuseunque Principis vel alterius Christiani. Non enim habet corpus Ecclesiæ mysticum a Christo perfectissime stabilitum minus jus et robur ad procreationem suæ unionis, quam corpus aliud civile, mysticum, vel naturale verum: neque enim est de immediato ac immutabili jure, divino vel naturali, quod Ecclesia se non possit congregare et unire sine Papa, aut sine aliquo particulari Statu vel Collegio, ubi in easu eadere potest mors vel error. — Consid. X.: Occurrere possunt casus multi, in quibus pro adeptione pacis publicae aut justa defensionis, sicut vii vi repellendo, liceret a rite electo in Papam substrahere obedientiam, liceret in neutralitate manere, liceret ipsum corporaliter incarcereare, liceret ei administrationem omnem publican interdicere, liceret per appellationem aut simile remedium sibi resistere, fieretque sic obedientia vera potius quam contradictione vel resistantia: — liceret concilium generale eo invito celebrare, liceret tandem ipsum ad cessionem compellere, vel renitentem dejicere ab omni honore et gradu, immo et vita privare. Haec omnia denique taliter licere possunt stabi jure divino et naturali, quod adversus hanc veritatem nulla lex vel constitutio puri hominis cujuseunque sine nova authorizatione Dei fieri debet, quia erroris intolerabilis damnanda sit. Comp. his

whole was the calling of a general council, which was not only to decide the controversy between the two popes, but to set bounds to the abuses of the papal power, and threatened to destroy entirely the system which had now so long subsisted.

CHAPTER SECOND.

HISTORY OF THE NATIONAL CHURCHES.

§ 105.

THEIR RELATION TO THE STATE.

THE collision between the ecclesiastical and the lay courts, caused by the encroachments of the former, still continued, though the laity were gradually gaining the advantage. In Germany, the principle had long been acknowledged, even by the prelates, who were themselves temporal lords, that secular affairs belonged to the jurisdiction of the secular courts,¹ and was in general maintained in practice,²

work written soon after, lib. de auferibilitate Papæ ab Ecclesia (l. c. p. 209). Consider. IX.: Auferibilis est Vicarius sponsus Ecclesiae per voluntariam ejus cessionem aut renuntiationem a Papatu.—Cons. X.: Auferibilis est in casibus dabilibus Vicarius sponsus Ecclesiae ab ipsa Ecclesia, — sive consentiat ipse — vel non consentiat suæ cessioni. — Nam si Vicarius sponsus potest resignare sponte ipsi Ecclesiae, dando ei libellum repudii; cum sponsus et sponsa non debeant quad hoc impari jure censeri, poterit minister repudiare sponsum talem ipsa Ecclesia sponsa, dum par ratio vel potior adducitur pro ipsa contra sponsum; vel quia prostituere querit eam quantum in se est, vel tyrannide sæva tractare, laniando eam vel plagando, bona sua dissipando, vel quia abuti conatur ea in perniciem filiorum. Quomodo etiam uni singulari personæ fas esset in casu violentiæ attentata per Papam verum contra castitatem suam, vel vitam, vim vi repellere, cum appositione inculpatæ tutelæ, etc. et ita licite stabit, quod tangat Papam violenter, vel in mare dejiciat: cur similiter, in casu, non liceat idem toti Ecclesiae pro defensione sua, et violentiæ attentatae cauta repressione. — Cons. XII.: Auferibilis est in casu Vicarius sponsus Ecclesiae per Ecclesiam, vel generale Concilium, nendum conciliative, aut dictative vel denuntiative, sed auctoritative, judicialiter atque juridice. — sicut enim tradit *Aristoteles V. Politic.*, quod ad communitem totam spectat Principis vel correctio, vel totalis destitutio, si inclemens perseveret. — Sic Symmachus, sic b. Marcellinus, sic ipse Gregorius, sic alii plures judicium subiere Concilii: nequaquam ex humili condescensione, sicut fingunt aliqui, sed ex debito et obligatione: quorum multos, quia Concilium non reperit convictos de crimine, reliquit causam eorum examine judicis Dei terminandam. — Spernens concilium Ecclesiae, spernit Deum, a quo dirigitur. Et ita consequenter appetet enormis error dicentium, quod deliberatio Papæ præponderat super deliberatione ex concilio Ecclesiae seu Concilii generalis, nec tenetur Concilium insequi aut eidem acquiescere nisi velit. See Gerson's later work, *Circa materiam excommunicationum resolutio*. — Consider. VIII. (l. c. p. 423): si dicatur quod ita potest a Papa fieri appellatio ad Concilium generale, dixerunt olim ante Concilium generale Pisanum et Constantiense, quod hoc nullo modo licet.

¹ Comp. § 63, note 23, and generally for this period the works there cited in note 20.

² Comp. the prohibition by Lewis of Bavaria A. D. 1318, of all complaints

although the ecclesiastical courts occasionally transgressed their due bounds.³ The Swiss put an end to the encroachment of the ecclesiastical courts by an especial enactment A. D. 1370.⁴ In Italy, the authority of the ecclesiastical courts, like every thing else in that country, was constantly vacillating. During the Ghibeline ascendancy, it was often entirely suppressed.⁵ In France, this authority was perhaps greater than in any other country. The kings were indulgent for the sake of securing the favor of the clergy, whilst they knew how to restrain occasional irregularities. The barons, on the other hand, were involved in almost constant strife with the clergy on the subject, and loud complaints of encroachment were constantly heard on both sides.⁶ The remarkable negotiation of the Parliament with

before ecclesiastical tribunals in civil matters, in *Gudenii sylloge diplom.* p. 487. Also his ordinance of A. D. 1329 in the Frankfurt Privilegiis, p. 15. In the golden bull (1356), cap. XI.: in defectu vero justitiae prædictis omnibus ad Imperiale duntaxat Curiam et tribunal, seu judicis immediate in Imperiali Curia pro tempore præsidentis audientiam, et etiam eo casu non ad quemvis alium judicem sive ordinarium sive etiam delegatum, his quibus denegata fuerit justitia, liceat appellare. Quicquid vero contra præmissa factum fuerit, sit irritum eo ipso (directed against the ecclesiastical encroachments mentioned in § 63, note 21. See Olen schlagers Neue Erläuterung der guldenen Bulle, S. 240).

³ e. g. that of Mayence in Hesse, see Kopp's Nachricht v. d. Verfassung der geistl. u. Civil-Gerichten in d. Hessen-Casselischen Landen, Th. I (Cassel. 1769. 4to.), S. 177. But by a compromise made 1347 and 1354, the general principle was recognised.

⁴ Müller's Schweizergeschichte (Leipz. 1825), Th. 2, S. 287.

⁵ See above, § 98, notes 7 and 15.

⁶ On the side of the clergy, *Durandus de modo Concilii generalis celebrandi*, P. II. Tit. 70: Quasi per quandam alluvionem frustatum Domini temporales ad se omnia trahunt. Et sicut frustatum lupus agnum comedit, ita per ipsos jurisdictionem ecclesiasticam frustatum quodammodo devoratur, quicquid ad ecclesiasticam jurisdictionem, potissimum quoad temporalia, pertinet, sibi auferri putantes: then follows a long list of the encroachments of the temporal power. — Conc. Avenionense, ann. 1326 (*Mansi XXV.* p. 739) c. 8—10, 14, against the interference of the civil courts against the clergy; c. 42, 43, against those who hindered the jurisdiction of the church.

On the other side, see especially the 66 Gravamina in the work cited in the next note, *Petri Bertrandi (Goldasti) Monarch.* II. p. 1362: I. Primo de jure communis cognitio causarum, que tangunt realitatem, sive sint in possessione sive in proprietate, pertinet ad jurisdictionem temporalem. Et officiales prælatorum impediendo jurisdictionem temporalem nituntur sibi attribuere cognitionem causarum realium, specialiter super possessione et super omnibus interdictis. II. Item quando laicus turbatur vel impeditur in possessione terræ sua per aliquem clericum, et propter hoc impetrat adiornamentum (Citation) a judice sacerulari in casu novitatis vel alias: Officiales prefatorum — faciunt moneri ad instantiam clerici judicem sacerulariem et partem, ut post adiornamentum cessent sub pena excommunicationis et certa pecuniae quantitatibus. III. Item cum cognitione personarum laicorum pertineat ad judicem sacerulariem, exceptis casibus spiritualibus, Officiales prælatorum faciunt eos citari coram se ad instantiam partis. Et si dictæ personæ laicæ declinant jurisdictionem dictorum officialium, vel Domini, quibus subjiciuntur, requirunt eas remitti coram eis, — dicti officiales renuunt hoc facere, et compellunt per excommunicationem partes ad procedendum coram eis. IV. Item prælati faciunt concilia provincialia, et synodalia statuta, in quibus plura faciunt et ordinant in grande prejudicium jurisdictionem temporalis. XIV. Item si duo laici sint in processu in curia alicujus Domini temporalis super actione reali vel personali, et contingat quod altera partium diffugiendo appellat ad curiam alicujus prælati coram officiali suo, post magnos processus factos et item contestatam Offici-

the prelates, who were summoned before it by order of Philip of Valois (1329),⁷ was unsuccessful.⁸ Immediately afterwards the clergy

ales — nituntur retinere cognitionem talium causarum, — et virtute monitionum et sententiarum faciunt desistere Dominum temporem a cognitione causæ post appellationem: quod nisi faciat, excommunicatur et trahitur ad emendam. — XXIII. Item ad finem, quod dicta curia ecclesiastica augmentetur, dicti prelati faciunt magnam multitudinem tonsurorum pueris ætate minoribus, — ac hominibus conjugatis insufficientibus et illiteratis. — XXX. Item si contingat, quod gentes regiae capiant aliquem malefactorem pro criminis certo per eum commisso, et idem malefactor dicat se clericum esse, licet nec tonsuram, nec habitum deferat clericales, officiales prælatorum faciunt in continenti detinentes et capientes compelli per monitiones et sententias ad restituendum sibi prædictum malefactorem tanquam clericum suum. — XXXIV. Item quando aliquis malefactor redditur judicibus ecclesiæ per judices sacerdotes tanquam clericus; amici ipsius malefactoris veniunt ad officiales prælatorum, et concordant cum eis; et sic dimitunt sine punitione; et sic pejora committunt quam ante, licet crimina essent notiora. — XLII. Item judices ecclesiastici in quounque casu nituntur habere cognitionem injuriarum, sive in verbis, sive in factis commissa sit injuria: necnon uxorum clericorum, licet sint mercatrices, et eorum mariti similliter mercatores. — XLIII. Item volunt habere cognitionem bonorum tam mobilium quam immobilium viduarum. — LXV. Item testamenta quoque volunt per manus suas executioni tradere, inventaria facere bonorum defunctorum, eademque servare et hæredibus distribuere, et habent officiales, qui super his exequendis duntaxat deputati existunt. — LXVI. Item quod aliquando testamentis coram tabellionibus factis nolunt adhibere fidem, nisi prius per ipsos officiales fuerint approbata.

⁷ See *Actio Petri de Cugneris*, consiliarii regii, et *Petri Bertrandi*, Episc. Eduensis (from 1331 Cardinal) de jurisdictione ecclesiastica et politica coram Philippo Rege Franciæ habita anno 1329 (in *Goldasti Monarchia*, T. II. p. 1361 seq. and Bibl. PP. Lugd. T. XXVI. p. 109 seq.), ed. by *Petrus Bertrandus*. First the summons of the king, occasioned by the mutual complaints of the two parties. Then it is related that *Petrus de Cugneris* — locutus est pro Rege, facto themate suo: Reddite quæ sunt Cæsaribus Cæsari, et quæ sunt Dei Deo. Et prosecutus est juxta illud thema materiam suam includendo ad duo. Primo quod regi debebatur reverentia et subjectio, secundo quod debebat esse spiritualium et temporalium divisio, ut spiritualia ad prælatos, et temporalia ad Regem et Barones pertinebant. Amongst other things he said also, as is seen from the speech of *Petrus Bertrandus*, who followed him (*Goldast*, p. 1373), quod talia jura regia rex non poterat a se abdicare, cum essent juris sui regalis, et jurasset in coronatione sua jura regni non alienare, et alienata revocare, et quod talia erant impræscriptibilia. — He then declared, quod intentio regis erat reintegrare temporale, and handed in the Gravamina cited in the preceding note. On the following day, the prelates were defended by the archbishop of Sens, in a speech which is given in full. e. g. Ille ad judicandum videtur aptior et convenientior, qui est Deo proximior: — sed personæ ecclesiastice sunt Deo proximiores, ergo, etc. — Præterea nullus dubitat, quin cognitio de peccato ad personas ecclesiasticas pertineat, cum ergo talia non perpetrentur sine peccato alterius partis, patet quod ecclesia cognoscere potest. Item cuius est judicare de fine, ejus est judicare de ordinatis ad finem: — cum igitur corpus ordinatur ad animam, et temporalia ad spiritualia tanquam ad finem; ecclesia, quæ habet judicare de spiritualibus, potest etiam merito de temporalibus judicare. — Et confirmatur, quia accessorium sequitur naturam principalis, et hoc satis apparent exemplo: cum igitur istæ duæ jurisdictiones compararent duobus luminaribus, soli scil. et luna, et tota claritas lunæ sit a sole, et in sole formaliter et virtualiter, et non claritas solis a luna nec in luna; patet quod jurisdictione spiritualis, quæ comparatur soli, habet in se formaliter vel virtualiter jurisdictionem temporalem, quæ comparatur claritati lunæ. Then follow proofs ex jure civili, namely, from the supposed law of Theodosius, which Charleinagne is said to have confirmed (see § 9, note 8), and ex jure canonico. Sed forte ad hoc dicetur: quare hoc sibi vendicat ecclesia Gallicana, cum aliae ecclesie sibi in aliis regionibus hoc minime vendicare noscantur? Ad quod potest faciliter responderi. Si enim Reges Franciæ, quos Deus singularibus privilegiis, gratis et honoribus præ cæteris regibus insignivit, — ecclesiæ plures libertates concesserunt, vel concessis uti libere per-

sought to establish their jurisdiction more firmly than ever by the decrees of a council.⁹ In the Parliament, on the other hand, which

miserunt, non est mirum : imo tanta fuit ad ecclesiam eorum devotio, quod ecclesia quanto eis propinquiores, tanto pluribus libertatibus gaudent. Nec ex hoc minus habuerunt, sed plus, sicut rei evidentia manifestat, imo hoc redundat in magnam nobilitatem regni et regis. On the following Friday *Petrus Bertrandus* spoke again, and answered the alleged Gravamina, which he divided into three parts, quia quidam articuli tangebant jura ecclesiæ perpetua ; — secunda pars articulorum continebat abusus et errores, si veri essent, et illos nullo modo volebant defendere, imo providere ne talia fierent, et corriger si quæ talia facta erant. Tertia pars continebat aliqua, quæ poterant esse justa, et aliqua injusta ; quantum ad justa respondit ut de contentis in prima parte, quantum ad injusta, ut de contentis in secunda. The spirit of these answers is seen from the following : Ad XXXIV. qui loquitur de clericis maleficiis, quo; officiales prælatorum de facili expeditum pro pœnis pecuniariis dicit, quod hoc esset irrationabile, ubi maleficium esset notorium vel manifestum, et tale vel tantum, propter quod perpetua pœna ei deberet imponi, si pro pœna pecuniaria tale crimen transiret. Sed nullum est inconveniens, si pro causa justa dicti officiales pœnam corporalem in pecuniariam convertant : quia hoc etiam volunt jura tam canonica quam civilia.

* At the close of the investigation, the prelates prayed the king (l. c. p. 1381), ut pro Dei honore in statu, in quo sui boni prædecessores tenuerunt ecclesiam, ipse eam teneat et defendat, nec ei faciat aliquam novitatem : et placeat ei proclamationes et inhibitiones factas, scil. quod nullus laicus trahat alium laicum coram judice ecclesiastico, revocare : quia hoc esset omnia ecclesiarum jura tollere. Et licet in aliquibus locis pro toleranda eorum malitia in talibus proclamationibus seu inhibitionibus verba, quæ sequuntur, apponant, videlicet quod laicus non trahat alium laicum coram ecclesia super casibus pertinentibus ad judices sacerdtales ; — hoc est propter jura ecclesiæ usurpanda, quia multa pertinent ad forum laicorum, quæ nihilominus pertinent ad ecclesiasticum. Et sic jus et consuetudo tollerentur, per quæ in electione laici est, quod possit alios laicos in foro ecclesie convenire. Item quia tales proclamationes seu inhibitiones factæ, licet etiam essent bene generales, dant occasionem omnimode jurisdictionem ecclesiasticae perturbandi, unde reges Franciæ semper prohibuerunt tales proclamationes seu inhibitiones fieri, et factas penitus faciebant revocari et ad nihil reduci. In the presence of the king and in his name, *Petrus de Cugneriis* declared to them, quia intentio Domini Regis erat servare jura ecclesiæ et Prælatorum, but attempted once more to prove, quod causarum civilium non poterat ad ecclesiam cognitio pertinere : in a second audience, however, the king did not recognise the last part of what his representative had said, quod non erant factæ de suo mandato, nec aliquid sciebat, nec eas ratas habebat, and expressed himself content with the promise of the prelates to correct the existing abuses. The last answer of the king, given through *Petrus de Cugneriis*, was, quod placebat Regi, si prælati emendarent ea, quæ essent emendanda et corrigenda : et quod Dominus Rex expectaret usque ad festum nativitatis Domini proximum venturum, infra quem terminum nihil innovaret. Et si infra dictum terminum prælati non emendassent emendanda, — dominus Rex apponeret tale remedium, quod esset gratum Deo et populo. The addition in *Goldast*, p. 1383, that after waiting in vain, the king had at last passed a severe law, qua — se ac suos in libertatem asserit, originated with Flacius (Cat. test. verit. p. 391), but is not historically true. To confirm the claims of the clergy, *Petrus Bertrandus* wrote afterwards the tract. de origine et usu jurisdictionum, s. de spirituali et temporali potestate (in Bibl. PP. Lugd. T. XXVI. p. 127).

⁹ Conc. Bituricense, ann. 1336, c. 12 (*Mansi* XXV. p. 1062), first describes the encroachments on the ecclesiastical jurisdiction. Namely, nonnulli temporale dominium obtinentes, vel sacerdtales judicariæ potestatis gerentes officium — aliquotiens palam, — aliquotiens seorsum ad partem, proclamaverunt et inhibuerunt, — ne aliquis subjectorum suorum alter alterum ad forum ecclesiasticum — trahere presumat, — ne ipsi subditi — super recipiendis contractibus ad — notarios curiae ecclesiasticae recurrerent ; — literas excommunicatorias — quandoque lacerant, — literas, et quod detestabilius est, portatores ipsos interdum capiunt, verberant, et

had now become a permanent body,¹⁰ these pretensions were stedfastly resisted, especially from the time of Charles V. From that period the jurisdiction of the ecclesiastical courts was not only confined to its proper sphere,¹¹ but was always in a degree under the superintendence of the Parliament ;¹² this last assuming the decision of many matters which had hitherto been considered spiritual.¹³

compellunt comedere literas et sigilla ; — sacerdotes, — et personas ecclesiasticas, atque ipsorum uxores, parentes et amicos — ceperunt, arrestaverunt ; licet moneantur, nolunt restituere, etc. All such turbatores jurisdictionis ecclesiasticae are to be excommunicated and put under interdict : quos omnes — nominatum et expresse — per curatos totius provinciae omnibus diebus dominicis in Missa excommunicatos denuntiari sub pena excommunicationis præcipimus alta voce. Cap. 13: Such offenders shall be absolved from their sentence only by the bishops in person, aut per ejus officialem vel commissarium super hoc specialem, and only on condition of their having rendered satisfaction. Comp. Conc. apud Castrum Gonterii, ann. 1336, c. 1 and 2. Conc. Noviomense, ann. 1344, c. 1 and 2 (*Mansi XXVI.* p. 1), etc. The clergy were strictly forbidden to apply to the civil tribunals. Conc. Bituric. ann. 1336, c. 11.

¹⁰ *Pasquier recherches de la France*, liv. II. chap. 3. [Hallam, c. 1. P. II. — Tr.]

¹¹ A royal edict of March 8, 1371, directed to the bailiff of Sens (in the *Preuves des libertez de l'Egl. Gallie*, chap. VII. no. 27), after enumerating the usurpations of the clergy, decrees : Quocirca nos jura et libertates jurisdictionis nostrae temporalis — servari volentes illæsa, Vobis, prout per dictam nostram Curiam, habita super his deliberatione diligenter, extitit ordinatum, tenore præsentium committimus et mandamus, quatenus præfatis Archiepiscopis et Episcopis, ac eorum — officialibus, etc. — ex parte nostra, ac sub magnis penis a nobis applicandis, injungatis, — ne de casibus et actionibus realibus ac aliis superius declaratis — de cætero amplius cognoscere — præsumant, sed facta et agitata in contrarium — revocent penitus et nullent. Quod si facere noluerint, aut plus debito distulerint, ipsos ad hoc per captionem et detentionem eorum temporalitatis, ac omnibus aliis viis et modis licitis, quibus melius videbitur et poteritis, viriliter et debite compellatis : — et insuper ne usurpationes et surprisiæ supradictæ — illæsa remaneant, vos de et super usurpationibus et surprisiis antedictis, eorumque circumstantiis et dependentibus universis diligenter et secrete informetis, et quos de his per dictam informationem culpabiles reperiatis, ipsos ad dies Seneschalliarum vel Baillivarum suarum nostri futuri proximi Parlamenti adiornetis (summons), etc. — These ordinances the parliament thenceforward took care to enforce. Thus it condemned the bishop of Chalons, 1305, to a fine for neglecting them (*ibid.* no. 29).

¹² The bishop of Mans, having excommunicated some one with whom he had a process in the royal courts pendente lite, and afterwards refused the same person a Christian burial, he was compelled, 1396, per arrestum of parliament, to have his body taken up again, and to revoke the act of excommunication, *Preuves des lib.* chap. VI. no. 2. In like manner the archbishop of Rheims, *ibid.* no. 4. — Many persons having been arraigned by the accusations of the ecclesiastical tribunals, quod ipsi feminas aliasque quam suas desponsatas carnaliter cognoverant, ipsos ad solvendum emendas propter hoc compellendo; an ordinance was issued by Philip of Valois, 1336, ipsum Episcopum ad desistendum de præmissis per ipsius temporalitatis captionem compellere : so also Carl V. 1388 (*Preuves*, chap. XXXV. no. 10 and 11).

¹³ The parliament maintained the right of judging de omnibus causis ecclesiasticis possessoriis (*Preuves*, chap. XXVI. no. 1), and this was even expressly conceded by Martin V. (*ibid.* no. 2). — *Preuves*, chap. XXXV. no. 21 : the archbishop of Bourges had ordered at a Synod in his diocese, A. D. 1369 : Quoniam ut intelleximus domini sæculares propter crimina a Clericis commissa bona capiunt clericorum, ut sic indirecete de crimine Clericos puniant, et eosdem Clericos faciunt compellare, ut eis emendam exsolvant ratione seu occasione criminum commissorum, quod est directe contra Ecclesiasticam libertatem, cum illi de crimine criminaliter seu civiliter distringi seu puniri nequeant per judicem sæcularem : igitur

§ 106.

INTERNAL RELATIONS OF THE NATIONAL CHURCHES.

In addition to the former encroachments of the popes on the rights of the bishops, they now claimed the right of supplying all vacant places,¹ whilst they carried the granting of exemptions to the most unwarrantable lengths, especially during the schism.² The ecclesiastical importance of the bishops being thus very small,³ they sought

prædicta fieri prohibemus, statuentes quod si quis dominus sacerularis, vel alias procedendo de cætero, Clericos ratione criminum ab eis commissorum per captionem bonorum mobilium vel immobilium suorum vexaverint, seu ad emendam compellaverint, eo ipso sententiam excommunicationis incurrat, et qualibet civitas statim quod hoc siverit habeat cessare penitus a divinis, donec bona capta vel ad manum sacerularem posita libere sint dimissa, et amotum impedimentum quodlibet ab eisdem: et nihilominus illos, qui contra præmissa fecerint, ut excommunicatos habeatis evitare. The duke of Berry interfered, however, at once, and proclaimed, as the king's representative, quod dictus Rev. Pater postmodum sufficenter informatus et certioratus, dictas suas constitutiones et statuta dictæ jurisdictioni temporali et dictæ Bituricensis patriæ usibus et consuetudinibus existere contrarias, — in nosfri præsentia sponte revocaverit et totaliter adnullaverit, et insuper nobis promiserit dictam adnullationem et revocationem in sua proxima, futura Bituricensi Synodo in personis dictorum Curatorum dictæ suaë diœcesis fieri, facere publicare, etc. On his doing this he promised, in the conviction, dictum Reverendum prædictas constitutiones — non dolo, fraude seu malitia aliqualiter edidisse, — to remit omnem pœnam, emendam et offensam. All which was at once confirmed by the king.

¹ See § 100, note 5 seq.

² *Nicol. de Clamengis* de ruina Eccl. c. 31 (v. d. *Hardt* Conc. Const. T. I. P. III. p. 31): Et hos ergo Canonicos aliquis vocabit, qui, sic ab omni canone, h. e. ab omni regula abalienati sunt, qui, ut licenter et impune omnia, quæ ferret animus, flagitia admittere possint, ab omni se castigatione et disciplina suorum prælatorum maxima ubique redēptione exemerunt? Fraudant itaque se mutuo, fraudant subditos. — Quas omnes fraudes et rapinas cum fecerint, non est, qui eos puniat. Ad Papam enim, quem solūn judicem plerique corum se habere jactant, quis circumvento pauperi accessus est? — *Martini V. bulla*, A. D. 1418, annulling the exemptions granted during the schism (*ibid. T. IV. p. 1535*): a tempore obitus felicis recordationis Gregorii P. XI. prædecessoris nostri, nonnulli Romani Pontifices, et pro Romanis Pontificibus se gerentes — nonnullas ecclesiæ, monasteria, capitula, couventus, prioratus, beneficia, loca et personas — de novo a dictorum Ordinariorum jurisdictionibus exemerunt, in grave ipsorum Ordinariorum præjudicium.

³ *Jo. Gerson* de modis uniendi ac reform. Ecclesiam in Concil. Univers. written 1414 (in v. d. *Hardt* Conc. Const. T. I. P. IV. p. 90). *Gersonii* Opp. T. II. p. 174): Quam quidem coactivam potestatem multi summi Pontifices per successiones temporum et contra Deum et justitiam sibi applicarunt, privando inferiores Episcopos potestatibus et auctoritatibus eis a Deo et Ecclesia concessis: qui in primitiva Ecclesia aequalis potestatis cum Papa erant, quando non fuerunt Papales beneficioru[m] reservations, non casuum Episcopaliū inhibitiones, non indulgentiarum venditiones, non Cardinalium commendæ, et distinctiones beneficiorum, Prioratum et Monasteriorum. Tandem per tempora successive crescente Clericorum avaritia et Papæ simonia, cupiditate et ambitione, potestas et auctoritas Episcoporum et Prælatorum inferiorum quasi videtur exhausta et totaliter diruta, ita ut jam in Ecclesia non videantur esse nisi simulacra depicta, et quasi frustra: jam enim Papa Romanus reservavit omnia beneficia ecclesiastica, jam advocavit omnes causas ad Curiam suam, jam voluit Pœnitentiariam habere ibidem, jam legitimationes Clericorum, jam ordinationes sacras quorumcunque sine differentia vult fieri

to indemnify themselves by the honors and pleasures of the world.⁴ The burden imposed on them by the popes they managed for the most part to shift on the shoulders of those beneath them, and the inferior clergy groaned under the most intolerable oppression.⁵

§ 107.

MORAL CONDITION OF THE CLERGY.

The manner in which the places in the church were bestowed, the example of those around the Pope,¹ and the principles on which justice was administered in the ecclesiastical courts,² all combined to make

in ejus Curia: et illi, qui in terra propria non possint ordinari, in eadem Curia ordinantur de facili.

⁴ *Nicol. de Clamengis*, c. 25: multi ex eis, qui pastorali apice potiuntur, perque annosa tempora potiti sunt, nunquam civitates suas intraverunt, suas Ecclesiias viderunt, sua loca vel diœceses visitaverunt, nunquam pecorum suorum vultus agnoverunt, vocem audierunt, vulnera senserunt, nisi ea forte vulnera, quæ ipsi suis uberibus spoliis per alienos mercenarios eis intulerunt. Alienos dixi, quia et ipsinet mercenarii sunt, qui non gregis sui custodiam, salutem, profectum querunt, sed solum temporalis mercedis retributionem. — Cap. 26: At enim, dicit forsan aliquis, jure eis ignoscendum est, si raro suas diœceses adcant, — quoniam pro consilio a principibus accessiti magna regni negotia tractant. — Cap. 28: Sed quid eorum tanto tempore a suis sedibus absentiam accusamus? cum per suam, si illic adessent, præsentiam verisimilius obesse, quam prodesse possent. Quidnam enim ore illi prosunt, qui toto elabente anno suam bis aut ter intrant Ecclesiam, qui totos in aucupio et venatu, in ludis et palæstra dies agunt, qui in conviviis accuratissimis, in plausibus et choricis, cum puellis etiam, effeminati insomnes transigunt noctes, qui suo turpi exemplo gregem per devia quæque abductum in præcipitum trahunt, qui imberbes adhuc adolescentuli, vix tum ferulam egressi, ad pastorale convolant magisterium, et tantundem de illo, quantum de nautico sciunt officio? Difficile itaque satis est statuere, qui eorum magis incommodent suo gregi: hi, qui deserto eo lupisque exposito cum scurris et parasitis in aula versantur, an hi potius, qui coram positi, eum per rapinam vexant, per incuriam negligunt, per errorem duecum præcipitant. The German bishops were often involved in feuds, especially in disputes with the towns in which they resided, see Schmidts *Gesch. d. Deutschen*, Th. 4. S. 600 ff.

⁵ *Nicolaus Oresmius* (or Orem, a Parisian theologue, Decan in Rouen) in a sermon delivered coram Papa Urbano et Cardinalibus 1363 (ed. *Flacius* cat. test. verit. no. CCCVI. Brown appendix ad fasc. rerum expetend. et fugiendarum, p. 489): Non puto, posse in historiis reperiri, quod unquam fuerit aliqua gentium politia bene instituta, in qua esset tanta doctrina, quam nunc sit in politia sacerdotum, *ut ii quidem essent majores quam Principes sæculi, cæteri dejectiores vulgo.* — In corpore — idem videamus: si nutrimentum fluat ad unum membrum, ita ut enormiter ingrossetur, et alia nimium macerentur, non potest diu vivere: sic in corpore reipublicæ ecclesiastice, si superiores augmentatione substantiae ita graves in statu sunt, quod vix possunt ab inferioribus sustineri, hoc est signum et causa propinquæ ruinae, etc.

1 See above, § 100, note 4.

2 Compare § 63, note 16. New abuses now crept in: *Nicol. de Clamengis* de ruina eccl. c. 20 (v. d. *Hardt Conc. Const. T. I. P. III.* p. 24): Corradensis omni ex parte pecuniis nostris Prælati sunnompere invigilant. — Si quis apud eos clericus pro furto, pro homicidio, pro raptu, aut sacrilegio, aut alio quovis enormi crimine in carcерem conjectus sit, tristisque panis et aquæ edulio adjectus: tam diu pœna subjacebit, et tanquam reus sua commissa luet, donec pro modo sui census aut

the moral condition of the clergy worse than ever. In the chapters, (which were commonly filled up with members of noble families),³ as well as amongst the parochial clergy, there reigned the most profound ignorance, accompanied by the most revolting licentiousness.⁴ The

suorum quæsitam a se pecuniam persolverit. Ubi vero id egerit, liber et velut innocens abire sinetur. Omnis noxa, omnis error, omnia maleficia, etiamsi capitalia sint, per pecuniam laxantur ac delentur. Compare *Gramina*, § 106, not. f. no. XXXIV., and the reply *Petri Bertrandi*, ibid. not. g.

³ *Nic. de Clamengis* de ruina Eccl. c. 29: Quid de Capitulis et Canonicis longum trahere sermonem necesse est, cum uno statim verbo dicere liceat, similes Episcoporum pro suo modo Canonicos esse, indoctos, simoniacos, cupidos, ambitiosos, æmulos, obtrectatores, sua vitæ negligentes, alienæ curiosos scrutatores ac reprehensores, adhuc autem ebriosos, incontinentissimos, utpote qui passim et invercunde prolem ex meretrice suscepit et scorta vice conjugum domi tenent: vaniloquos, præterea garrulos, tempus in fabulis et nugis terentes, quia nihil utile neverunt aut serium, in quo occupentur. Et propterea in re sua, seu per fas seu nefas agenda, in cura ventris et gulæ, in carnis voluptatibus hauriendis sue vitæ felicitatem, ut porci Epicurei, constituant. Cap. 30: Quan vero pacem inter se habeant, aut quam fraternitatem, declarant sectæ et seditiones, omnibus modo in Ecclesiis per infernales furias excitatae, ut jam illa infernalis hydra schismatica — omnia fere collegia suo vipereo semine infeccerit. Of the abuses that crept into the Chapters, see Conc. Const. reformatoriæ Deeretales, Lib. III, Tit. III. c. 1 (v. d. Hardt Conc. Const. I. P. XII. p. 695): In ecclesiis quibusdam, præsertim cathedralibus, et etiam quibusdam regularibus de ordine S. Benedicti, pessime servatur et inolevit consuetudo, vel potius corruptela, sic quod in eis non admittuntur nisi de nobilium aut militarium genere procreati (see § 64, note b), qui velut ex militia geniti moribus laicalibus et militaribus imbuti literarum studia non frequentant neque curant, et sic ignari remanent et idiotæ: ex quibus tunc communiter per electionem tales qualèm ad Ecclesiæ cathedrales hujusmodi militiæ dediti in prælatos promoventur, interdum vix latinum fari scientes, et actus militares tam in vestibus, quam in bellorum conflictibus, et armorum insultibus, quia exercitati sunt in illis, magis prætententes, quam quod actibus Pontificalibus — se ingererent. Cap. 2, dannabilis usus in quibusdam — Ecclesiis inolevit, quod videlicet, quoad tractatus capitulares secretos et alios, admittuntur interdum canonici parvi, ex maturitate annorum inhabiles. Cap. 3: In quibusdam Ecclesiis statutum reperitur, ut, licet numerus canonicorum præbendorum sit satis magnus, ipsorum tamen capitularium ad satis parvum numerum sit restrictus, in finem, ut creditur, quod dicti pauci capitulares ex capitularibus proventibus uberiori valeant impinguari. The degree of their ignorance may be estimated from the instance of the chapter of Zurich, which was obliged to employ a notary to inform the bishop of Costnitz of the choice of one of their officers, quia singuli de Capitulo scribere nesciunt, see *Beyträge zur Gesch. d. deutschen Sprache u. Nationalliteratur*, London (in d. Schweiz) 1778, Th. I. S. 178.

⁴ *Nic. de Clamengis* de ruina Eccl. c. 7: Summi Pontifices, ut aurei rivuli — suam uberioris curiam irrigarent, omnibus diœcesanis et patronis præsentandi facultatem conferendique libertatem — ademerunt, interdicentes illis sub pena anathematis, ne ausu temerario (sic enim illorum loquitur tritum jam frequentiori usu rescriptum) in quovis beneficio sibi subiecto aliquem instituere præsumerent, quandiu quis occurreret ex illis, quos sua auctoritate beneficia illa exspectare concesserant, qui illud adipisci vellet. Quantus vero, Deus optime, expectantium numerus ex illo tempore, et qualium undique affluxit, atque ibi praesto fuit! Non tantum a studiis aut schola, sed ab aratro etiam et servilibus artibus ad parochias regendas ceteraque beneficia passim proficiscebantur, qui paulo plus Latinæ linguae quam Arabicæ inteligerent, imo qui et nihil legere, et quod referre pudor, alpha vix nossent a beta discernere. Ac morum in illis compositio hanc forte ignorantiam excusabat? Imo si parum docti, negligentius — morati: utpote qui absque literis in otio educati, nihil nisi impudicitias, ludos, commissationes, jurgia, vaniloquia consecentur. Inde omnibus in locis tot sacerdotes improbi et miseri atque ignari, qui ruinæ et scandalo sua turpi conversatione subditis sunt. Cap. 24: De

constant efforts of the synods to restrain the dissolute clergy were of no avail.⁵ The laity were glad to secure their families in any way from the attacks of priestly lust, and favored, or even furthered, the permanent connexion of their priests with concubines.⁶ Thus it

literis vero et doctrina quid loqui attinet? Cum omnes fere presbyteros sine aliquo captu aut rerum aut vocabulorum, morose syllabatimque vix legere videamus. Quem ergo fructum, quam exauditionem ex suis orationibus sive sibi, sive et aliis impetrabunt, quibus barbarum est, quod orant? Quomodo per suas preces Dominum alienis propitiabunt, quem sibi ipsi sua ignorantia et sua fœditate vita per suum ministerium infensum faciunt? Si quis hodie desidiosus est, si quis a labore abhorrens, si quis in otio luxuriari volens, ad Sacerdotium convolat. Quo simul ac perventum est, fornices et cauponulas seduli frequentant, potando, commissando, pransitando, cœnitando, tesseris et pilâ ludendo, tempora tota consumunt. Crupulati vero et inebrinati pugnant, clamant, tumultuantur, nomen Dei et Sanctorum suorum pollutissimis labiis execrantur. Sieque tandem compositi ex meretricum suarum complexibus ad divinum altare veniunt. How deficient the clergy were in the preparation for their office, and how the people were neglected, see in *Nic. de Clamengis* de studio theologico in *d'Archery* Spicileg. T. I. p. 473, where, amongst other things, we find the complaint p. 478: conterunt infiniti ovium Rectores totam in studiis (universities) atatem. — Nec tam procul dubio discere cupiunt, quam sub titulo et umbra studii multiplicandis ecclesiasticis beneficiis atque promotionibus sine ulla unquam satietate inhibere. Of the fearful immorality of the clergy, see the writings of *Wycliff*, *Nicol. de Clamengis*, *Matthæus de Cracovia*, *Jo. Huss*, *Jo. Gerson*, *Theod. a Niem*, and the speeches at the council of Constance, ed. in v. d. *Hardt* Conc. Const. in his historia litteraria Reformationis, P. III., and in *Walchii* monumentis medii avi fasc. II. III. IV. e. g. *Bernhardi Baptisati* (a Benedictine from Gascony) invectiva in corruptum clerum (v. d. *Hardt* Conc. Const. T. I. P. XVIII. p. 880: In Prælatis inclusa est malitia et iniuitas, negligenteria, ignorantia et vanitas, superbia, avaritia et pompositas: et qui solebant esse ovium pastores, jam effecti sunt lupi, ovium comedores. — Et habeatis pro firmo, quod revelatum est hic cuidam in generali concilio, quod, nisi de cætero tollatur et extirpetur simonia ab Ecclesia Dei, rapacitas et tyrannia, in brevi erit tanta persecutio clericorum, et tam terribilis, qualis non fuit ab initio. — Quare hoc? Quia jam supradicti viri Ecclesiastici continuo palam et publice concipiunt lasciviam, pariunt ignominiam, nutriunt avaritiam, colligunt superbiam, divisiones et guerras ipsi generant, in cautelis et deceptionibus ambulant, — *in tantum quod jam totus fere clerus diabolo est subjectus.* — *Jo. Gerson* de simonia, cap. 4 (*Ibid.* T. I. P. IV. p. 10): Sieut et alia vitia regnare videmus passim apud homines, et multo plus apud clericos. — Recessit enim a clero omissis lex, omnis veritas, omissis verecundia, ita ut haec audeant, quæ etiam latrones et similes horrent, etc.

⁵ Comp. Die Einführung der erzwungenen Ehelosigkeit bey den christl. Geistlichen u. ihre Folgen, von D. J. A. Theiner u. A. Theiner (Altenburg, 1828, 2. Bde. 8.) Bd. 2. Abth. 2. S. 591 ff. Also Sermo Mag. Gerardi Magni († 1384) de focariis, first published by Th. A. Clarisse in Archief voor kerkelijke Geschiedenis, inzonderheid van Nederland, verzameld door Kist en Roijards Deel 1. Leyden, 1829. p. 364 seq.

⁶ Conc. Palentinum, ann. 1322, c. 7 (Mansi XXV. p. 703): Quia nonnulli laicorum clericos compellunt, in sacris præcipue ordinibus constitutos, ut aliquas mulieres concubinas recipiant, et cum eis in coartuberno publice vivant contra decorum ordinis clericalis: — nos — excommunicationis sententiæ ipso facto decernimus subiacere quemlibet, — necnon universitatem seu communitatem quamlibet sententiæ interdicti, quæ personam quamvis ecclesiasticam duxerit compellendam ad recipiendum in concubinam mulierem quamcumque. *Nicol. de Clamengis* de præsulibus simoniacis, in Opp. ed. J. M. Lydius. Lugd. Bat. 1613. 4. p. 165: Taceo de fornicationibus et adulteriis, a quibus qui alieni sunt, probro cæteris æ ludibrio esse solent, spadonesque aut sodomites appellantur. Denique laici usque adeo persuasum habent, nullos cælibes esse, ut in plerisque parochiis non aliter velint presbyterum tolerare, nisi concubinam habeat, quo vel sic suis sit consultum uxoribus, quæ ne sic quidem usquequa sunt extra periculum. Thus *Æneæ*

happened that in many countries such connexions were openly suffered amongst those whose holiness was supposed to be sullied by wedlock.⁷ The pecuniary mulcts imposed by many of the synods for such excesses,⁸ were soon converted by the rapacity of the bishops into a regular tax.⁹ Every attempt of the secular authorities to inter-

Sylvii (about 1440) *Europa s. Cosmographiae lib. secundus c. 35* (in *Freheri Scriptt. Germ. T. II*) of the Frieslanders: *Phrisiones sacerdotes, ne aliena cubilia polluant, sine conjugé non facile admittunt. Vix enim continere hominem posse, et super naturam arbitrantur.*

⁷ *Alvarus Pelagius de planetu ecclesiæ, Lib. II. c. 27*: utinam nunquam continentiam promisissent, maxime Hispani et Regnicolæ, in quibus provinciis in pauco majori numero sunt filii laicorum, quam Clericorum. — Sæpe cum parochianis mulieribus, quas ad confessionem admittunt, sceleratissime fornicantur. — Multi Presbyteri et alii constituti in sacris, maxime in Hispania, in Austria (*Asturia?*) et Gallicia et alibi, et publice, et aliquoties per publicum instrumentum promittunt et jurant quibusdam, maxime nobilibus mulieribus, nunquam eas dimittere; et dant eis arras be bonis ecclesiæ, et possessiones ecclesia: publice eas ducunt cum consanguineis et amicis et solenni convivio, ac si essent uxores legitimæ. — *Theod. a Niem Nemoris Unionis Tract. VI. c. 35*: In eisdem etiam partibus Hiberniæ et Norwegiæ juxta consuetudines patriæ licet Episcopis et Presbyteris tenere publice concubinas, et eisdem visitantibus bis in anno subditos sibi presbyteros, ac Ecclesiasticorum Parochialiumque Rectores, suam dilectam ducere secum ad domos et hospitia eorundem subditorum presbyterorum. — Et si forte aliquis ipsorum visitatorum casu vel fortuna non habeat focariam, ut prævaricator paternarum traditio-
num, Episcopo visitanti proinde procurationes duplices ministrabit. Ac etiam presbyterorum amasia seu uxores in eisdem partibus, statu et gradu, in ecclesiæ ac in mensis, eundo, sedendo et stando cæteris dominabus, etiam militaribus, præponuntur. Et pene idem modus, scilicet quod luxuriam, circa presbyteros Gasconiæ, Hispaniæ ac Portugaliæ, necnon contiguarum regionum versus Africam in omnibus observatur. Unde quodammodo plures naturales ex fœdo complexu nati, quam filii legitimi in omnibus illis partibus in Ecclesiasticis titulis concedendis præferuntur, et plures legitimis apertissime promoventur. Even the synods contented themselves with prohibiting *concubinarii publici*, see Theiner, l. c. The Clerici conjugati of whom we find many in this period (e. g. § 105, notes 6 and 9) are clerici minorum ordinum, who, though not able to hold benefices (see § 65, note 3), still, on condition of assuming the clerical dress and the tonsure, were allowed to enjoy all the privileges of the clergy, see *Thomassini vetus et nova Ecclesiæ discipl. P. I. lib. II. c. 66.*

⁸ Thus the Conc. Posoniense (in Presburg), ann. 1309, c. 5, orders that the concubinarii publici should pay quartam partem reddituum beneficiorum suorum as mullet, adding: confidimus enim, quod spirituali pœna, excommunicationis videlicet, quæ quamvis sine comparatione periculosior, minus tamen peccatis exigentibus formidatur, in temporalem mutata vindictam, subditorum mutabuntur et mores. Such pecuniary penalties were imposed especially by the Italian councils. Thus by the Conc. Pergam. ann. 1311, rubr. 6, for a prelate 10, for any other 5 libræ Papienses. *Ravenn. ann. 1317, rubr. 4. Benevent. ann. 1331, c. 55. Constit. Eccl. Ferrar. ann. 1332, c. 31 (24 libræ)*, etc.

⁹ There were complaints before of bribery in this respect, see above, § 65, note 6. So also Conc. Moguntin. ann. 1310 (Mansi XXV. p. 313): Cohabitationis vitium — quorundam negligentia prælatorum, immo quod detestabilius est, aliquorum malitia, qui quæstum æstimant pietatem, sentitur iterum pullulare. — Si qui — ob quæstum turpem hujusmodi ad se deflatum in subditis suis favere vel dissimulare præsumpserint (the archdeacons and deacons are here meant) illi per suos prælatos ab honoribus dejiciantur. — The taxes afterwards customary had grown out of these pecuniary mulcts, as was in many other things the case (see § 82, note 1). *Nic. de Clamengis de ruina eccl. c. 22: Jam illud, obsecro, quale est, quod plerisque in diœcesis rectores parochiarum ex certo et conducto cum suis prælatis pretio passim et publice concubinas tenent?* — *Theobaldi publ. Conquestio in Conc. Const. (in v. d. Hardt Conc. Const. T. I. P. XIX. p. 909: Ipsi (sacer-*

fere for the remedy of these abuses, was repelled by the church as an invasion of its rights.¹⁰

CHAPTER THIRD.

HISTORY OF MONACHISM.

§ 108.

CONDITION OF THE OLDER ORDERS.

THE same causes, by which the degeneracy of the secular clergy is accounted for, led also to the entire neglect of discipline amongst the older monastic orders, already deeply infected with the love of luxury and the desire of independence.¹ We find amongst them at

dotes)—non solum tabernas, sed etiam lupanaria intrare, puellas maritatas atque moniales corrumpere, concubinas in dominibus publice tenere, et cum eis procreare, atque alias superinducere, statimque post celebrare non abhorrent. Episcopi autem quoniam eodem vitio laborant, talia corripere non præsumunt. *Imo aliquid annuatim ab eis recipiunt*, et onnes in tali miseria stare permittunt. Under these circumstances the want of chastity in the priesthood was considered at most a slight crime. Hence *Gerson de visitatione Prælatorum* (Opp. ed. du Pin, II. p. 564): *denuncietur recipientibus sacros Ordines, quod faciunt votum castitatis sollempne, ne putent se liberos ad fornicandum, sicut fatui quidam putant.*

¹⁰ Even the emperor Charles IV., notwithstanding his deep reverence for the clergy, felt himself compelled to interfere in this matter: see, however, *Innocentii P. IV Ep. ad Carolum* (in *Raynald.* ann. 1359, no. 11): *Habet fide digna insinuatio facta nobis, quod tua serenitas, attendens quosdam clericos et ecclesiasticas personas—effrenata quadam vivendi licentia contra ecclesiasticæ religionis decentiam, et clericalis habitus honestatem secularibus sese actibus immiscentes, ad coercendos illorum errores et transgressiones temerarias refrenandas imperialis solicitudinis operam adhibere fervore devotionis intendit, jamque super his non nullis prælatis—certas literas destinavit, comminationes sequestrationis ecclesiasticorum proventuum facienda per sæculares principes continentis, ne clerici ipsi, qui tanquam Dei ministri esse debent cæteris modestiæ et gravitatis exemplar, in suam et aliorum perniciem incorrecti ulterius per vitorum lubricum gradiantur. Siquidem, charissime fili, zelum tuum, quem habes ad dominum Domini multipliciter commendamus, etc.—verum cum tu defensor egregius et zelator præcipius ecclesiasticae libertatis existas, decet excellentiam tuam accurata diligenter providere, ne per id, quod ortum ex puritate devotionis accepit, debitos transeundo terminos, nostro et Apostolicae sedis honori, ac præfatae libertati ecclesiasticae—possit in aliquo derogari. Ideoque magnitudinem tuam rogamus et hortamur attente, quatenus ab hujusmodi comminationibus sequestrationis ecclesiasticorum proventuum facienda, quod absit, per sæculares principes, de cætero abstiens, et si quid per comminationes ipsas attentatum forsan extiterit, quod non credimus, cum id proculdubio foret illicitum,—in statum pristinum reformatum procurans, prælatos—debita caritate sollicites et inducas, ut contra eosdem transgressores sui officii debitum exequantur, etc.*

¹ The progress of corruption was much hastened, in particular, by the system of commendams, see *Gerson de modis uniendi ac reform. Ecclesiam in Conc.* (Opp.

this time few traces of studious employments,² but, on the other hand, the most extravagant excesses,³ especially during the schism;⁴ to which also the nuns gave themselves up in a manner utterly scandalous.⁵

ed. du Pin II. p. 174) : Jam Monasteria Ordinum quorumcunque — dantur in Commendas dictis Cardinalibus, qui vix habent in quolibet decimam partem Monachorum ibidem olim existentium, aut paucos aut nullos omnino. Unde videbis, aliquos nepotes aut consanguineos laicos Cardinalium in ipsa Romana Curia otiose vacare, et nisi luxurii et delicii inhārere : — et pauperes religiosi, de quorum fructibus talis pompa fit, — grandi semper rerum penuria laborant.

² Not a single distinguished man in the learning of the time appeared amongst these Orders. What sort of care was taken of the convent libraries may be seen from the account given of that of Monte Cassino, one of the most celebrated, see *Benvenuti Imolensis* comm. in *Dantis paradisum*, cant. XXII. v. 74 (written 1386, in *Muratori Antiquitt.* Ital. medii aevi, T. I. p. 1296) : Venerabilis praeceptor mens Boccacius de Certaldo (the celebrated novelist, † 1375) dicebat, quod dum esset in Apulia, — accessit ad nobile monasterium Montis Casini. — Et avidus videndi librariam, quam audiverat ibi esse nobilissimam, petivit ab uno Monacho humiliter, — quod deberet ex gratia sibi aperire bibliothecam. At ille rigide respondit, ostendens sibi altam scalam: *ascende, quia aperta est.* Ille, latu ascendens, invenit locum tanti thesauri sine ostio vel clavi: ingressusque vidit herbam natam per fenestras, et libros omnes cum bancis cooptertos pulvere alto. Et mirabundus cœpit aperire et volvere nunc istum librum, nunc illum, invenitque ibi multa et varia volumina antiquorum et peregrinorum librorum. Ex quorum aliquibus erant detracti aliqui Quinterni, ex aliis recisi margines chartarum, et sic multipliciter deformati. Tandem miseratus, labores et studia tot inclytorum ingeniorum devenisse ad manus perditissimorum hominum, dolens et illacrymans recessit. Et occurrens in claustro petivit a Monacho obvio, quare libri illi pretiosissimi essent ita turpiter detruncati. Qui respondit, quod aliqui Monachi volentes lucrari duos vel quinque solidos, radebant unum Quaternum, et faciebant psalterios, quos vendebant pueris, et ita de marginibus faciebant brevia (these were magical scrolls to keep off sickness, etc.), quæ vendebant mulieribus. Nunc ergo, o vir studiose, frange tibi caput pro faciendo libros.

³ Clement V. at the council of Vienna (*Clementin.* Lib. III. Tit. 10. c. 1) had to forbid the nigris monachis various offences in dress and the chase: the archbishop Ernst of Prague in *Syn. Pragensi* ann. 1355. c. 38, excessum in vestibus, cibis et potibus, equitaturis et lectisteriis, — seu taxillorum, alearum, et seachorum ludis, ac chorearum lasciviis, and further the accumulation of property, etc.

⁴ *Nic. de Clamengis* de ruina Eccl. c. 32 (in v. d. *Hardt Conc. Const.* I. III. p. 33) : De monachis autem et monasteriis late patet ad loquendum materia, nisi jam me dudum tñderet in tot tantarumque abominationum enumeratione demorari. — Quid autem commendabile de ipsis dicere possumus, qui — quanto magis inter cæteros Ecclesiæ filios ex votis suæ religionis perfecti esse debabant, quanto magis abstracti a cura sæcularium — in sola cælestium contemplatione suspensi, et quanto magis continentes, magis obedientes, minus vagabundi, et a claustrorum septis rarius egredientes in publicum : tanto ab his omnibus rebus licet eos videre magis alienos, magis videlicet tenaces, magis avaros, magis sæculari rei — inmixtos, magis insuper lubricos, indisciplinatos, dissolutos, inquietos, magis per loca publica et in honesta (si modo frena laxantur) discursantes: ita ut nihil illis æque odiosum sit, quemadmodum cella et claustrum, lectio et oratio, regula et religio. Quocirea monachi quidem sunt exteriori habitu, sed vita, sed operibus, sed internæ conscientiæ spureitia a perfectione, quam habitus ille demonstrat, longissime disjuncti. Fallit autem illos nimis sua opinio. Nam quanto sua professione rejecta terrenis magis adipiscendis inhiant, tanto pauciora habent, tantoque dotes et redditus ipsorum magis semper in nibilum fluunt. Ecce omnium cœnobiorum uberrimos olim fructus ita hodie attenuatos cernimus, ut unde centuin homines vivere solebant, vix decem nunc ægerrime vivant.

⁵ *Nic. de Clamengis*, l. c. c. 36 : De monialibus autem plura dicere. ctsi plura, quæ dici possent, suppeterbant, verecundia prohibet; ne non de cœtu virginum

§ 109.

INFLUENCE OF THE MENDICANT ORDERS.

The mendicant orders retained at least a greater appearance of decency (as was indeed necessary if they wished to retain their influence), and the studies which then conferred most honor, those of scholastic philosophy and theology, were nowhere more zealously pursued than amongst them.¹ In this way they extended their influence more

Deo dicatarum, sed magis de lupanaribus, da dolis et procacia meretricium, de stupris et incestuosis operibus pudendum sermonem prolixè trahamus. Nam quid, obsecro, aliud sunt hoc tempore puellarum monasteria, nisi quædam, non dico Dei sanctuaria, sed Veneris exercanda prostibula, sed lascivorum et impudicum. juvenum ad libidines explendas receptacula; ut idem hodie sit puellam velare, quod ad publica scortandum exponere. Compare the letter of Gregory XII. A. D. 1408, to an abbot in Friesland on the condition of the Benedictine convents in that region (in *Theod. de Niem Nemu Unionis Tract.* VI. c. 34): nuper ad nostrum pervenit auditum, quod in partibus Frisiae XXII. monasteria Ordinis s. Benedicti, Bremensis, Monasteriensis et Trajectensis diœceseos consistunt, in quibus olim — tantummodo moniales dicti ordinis degebant, sed successu temporis contigit, quod in eisdem etiam mares ejusdem professionis in magno numero qualitercunque cum monialibus — degerent, prout degunt ad præsens. — In quibus [monasteriis] pene omnis religio et observantia dicti ordinis, ac Dei timor abscessit, libido et corruptio carnis inter ipsos mares et moniales, neenon alia multa mala, excessus et vita, quæ pudor est effari, per singula sucereverunt. — Fornicantur etiam quam plures hujusmodi monialium cum eisdem suis prælati, monachis et conversis, et in iisdem monasteriis plures parturiunt filios et filias. — Filios autem in monachos, et filias taliter conceptas quandoque in moniales dictorum monasteriorum recipi faciunt et procurant: et quod miserandum est, nonnullæ ex hujusmodi monialibus materna pietatis oblitæ, ac mala malis accumulando, aliquos fetus eorum mortificant, et infantes in luceem editos trucidant. — Insuper quasi singulæ moniales hujusmodi singulis monachis et conversis — ad instar ancillarum seu uxorum — sternunt lectos, lavant etiam eis capita et pannos, — neenon decoquunt ipsis cibaria delicate, ac die noctuque cum ipsis monachis et conversis in commissationibus et ebrietatibus cereberrime conversantur, etc. *Theobaldi sermo in Cone. Const.* (in v. d. *Hardt Conc. Const.* I. XIX. p. 909): Loca sanctimonialium — quasi publica loca, plus quam theatra ad omnes vanitates, etiam a magnis, non sine maximo scandalo frequentantur. Et si qui forte alti status propter vereundiam temporalem intrare non audeant, sua munuseula, ferecula et literas eis mittunt, easque cum maximo scandalo ad se invitant. Quæ autem ex his sequuntur, turpe est dicere, sed multo turpius est facere.

¹ *Nicol. de Clamengis de ruina Eccl.* c. 33 (v. d. *Hardt Conc. Const.* I. III. p. 33): Venio nunc ad Mendicantes, qui ex professione arcissimæ paupertatis veros se Christi discipulos veros imitatores esse jactant atque gloriantur: — qui eruditæ præterea in divinis literis, quibus pene soli hodie insudant, pabulum verbi Dei, quo populi reficiantur, assidua prædicatione ministrant, viam eis salutis æternæ, quam nemo alias docet, aperiunt; — denique soli ipsi, ut asserunt, cæterorum omnium Ecclesiæ ministrorum segniter dormitantium officia peragunt, ministeria exercent, eorum delicta, ignorantias et negligencias supplent. Cap. 34: Sed libet ab eis quærere: si hunc gradum supreinæ perfectionis — attigerunt, quid est, quod suis eam verbis ita magnificant, quod insolenter adeo inde se jactant, quod universi propterea inani gloriacione se præferunt, imo quod alios omnes sui status comparatione ab omni perfectione evacuant? Decebat enim, ut alieno ore, et non proprio suo, illa ætherea et angelica in terris perfectio laudaretur, si modo solidam laudem, non vanam, suspectam et odiosam cupiebant — Cap. 35: Videlur autem hæc parabola (of the pharisees and publicans) contra hos quæstuarios verbi Dei

and more, at the universities² as well as amongst the people. The steadfast resistance, of the university of Paris especially, to the assumed privileges of these orders was ineffectual,³ and they not unfrequently went

adulatores congruentissime inducta. Quia sicut Synagoga sues Pharisæos habuit, aduersus quos in Evangelio accrime Christus semper invehit, ita nimirum hi novi et subintroducti Apostoli Ecclesiae Pharisæi censendi sunt, quibus omnia a Christo de Pharisæis dicta, et forte alia plurima, nescio an deteriora, convenient. — Referring to the words of Christ: Attende a falsis prophetis, qui veniunt ad vos in vestimentis ovium, intrinsecus autem sunt lupi rapaces, he asks: Annon lupi rapaces sunt, ovicularum vellere anicti, qui vita austерitatem, castitatem, humilitatem, sanctam simplicitatem exteriori specie simulant, intus vero exquisitissimis deliciis et variarum copia voluptatum ultra omnem mundanorum luxuriam exuberrant? Annon lupi rapaces sunt, sub ovili imagine latitantes, qui more sacerdotum Belis in suis penetralibus oblata devorant, mero se ac lautis epulis cum non suis uxoris, licet saepe cum suis parvulis, avide satiantes, cunctaque libidinibus, quarum torrentur ardore, polluentes? Annon lupi rapaces sunt, foris ovem mentientes, qui ea, quæ facienda dictant, non faciunt, et cum aliis prædicaverint, sua prædicatione reprobri efficiuntur? etc. — Satis eorum perfidiam, quantum ad nostram pertinet brevitatem, detegere videmur. De qua, si quem juvat ampliora agnoscere, Cyrillum videat, et illic mira de eis inveniet, ad fidelium instructionem longe antequam orirentur Spiritu Sancto revelante prædicta. Quamquam nec aliqui alii scriptores etiam defuerunt, qui de his subdolis illusoribus multa valde utilia et præclara post eorum introitum ad Ecclesiae premonitionem et præmunitiōnen prodiderunt.

² Of the twenty-nine Doctors of theology, assembled at Vincennes by Philip of Valois, A. D. 1332 (see above, § 96, note 37), thirteen were mendicant monks. Frequent disputes occurred between them and the universities, both of Paris and Oxford (*Antony Wood hist. et antiquitt. Univers. Oxon.* p. 150 — 196). The universities complained particularly that they enticed young men to join them, and hence that many parents were deterred from sending their sons to the university. See *Richardi Archiep. Armachani defensorium curatorum* in *Brown app. ad fasc. rerum fugient. et expetend.* p. 473.

³ Clement V. A. D. 1311, in the Decretal *Dudum* (Clementin. III. T. 7, c. 2) confirmed the decretal of Boniface VIII. *Super cathedram* (Extravagg. Comm. III. Tit. 6, c. 2), by which the privileges of the mendicant orders were secured to them against the attacks of the regular clergy. In A. D. 1321, John XXII. in the Bull *Vas electionis* (Extravag. Comm. Lib. V. Tit. III. c. 2), condemned the three propositions of the Doctor of the Sorbonne, *Joannes de Poliaco*: quod confessi fratribus, habentibus licentiam generalem audiendi confessiones, tenentur cadem peccata, quæ confessi fuerant, iterum confiteri proprio sacerdoti: secundo, quod stante *Omnis utriusque sexus* edicto in Concilio generali (see above, § 81, note 5) Romanus Pontifex non potest facere, quod Parochiani non teneantur omnia peccata sua semel in anno proprio Sacerdoti confiteri, — immo nec Deus posset hoc facere, quia — implicat contradictionem: tertio, quod Papa non potest dare potestatem generalem audiendi confessionem, immo nec Deus, quin confessus habent licentiam teneatur eadem confiteri proprio Sacerdoti. These propositions had been maintained in the Quodlibetus of John de Poliaco (Ms. in Paris, see *d'Argentré coll. judiciorum* I. p. 302), from which some extracts are made by *Jo. de Turrecremata* (about 1450) in his *Summa de Ecclesia*, lib. II. c. 59. The principles from which they spring were those which the French theologians had maintained since the time of Philip the Fair, in opposition to the papal system (comp. above, § 62, note 22): Status et potestas et jurisdictione LXXII. discipulorum continuatur in sacerdotibus Curatis, sicut status et potestas et jurisdictione Apostolorum in Episcopis. — Sed status Discipulorum a Christo institutus est, et ipsi ab eo instituti et missi, potestatem immediate ab ipso accipientes, non ab aliquo Apostolorum. — Ergo et status Curatorum et ipsi sunt immediate a Christo instituti, et ab ipso immediate potestatem habent. — Quare enim potestas collata Petro est continuata in Romano Pontifice; et potestas collata aliis Apostolis non est continuata in aliis Episcopis, et potestas collata Discipulis non est continuata in Curatis, non potest dari ratio. Et ideo Curati sunt veri ordinarii, habentes jurisdictionem ordinariam,

non jure humano sibi datam, sed a Christo immediate in prima institutione Ecclesiae; — et etiam non sunt vicarii Episcoporum, sed Iesu Christi, — inferiores tamen et minores Episcopis: nec ab ipsis possunt destitui, nisi ex rationabili causa, sicut nec Episcopi a Papa. — Item Episcopi habent inferiorem potestatem a Deo immediate, sub Papa, sed non a Papa. — Ex quo patet, quod nec Papa Prælatis potest potestatem datam a Christo eis auferre, et aliis non Prælatis dare, nec statum Ecclesiæ a Christo institutum destruere et mutare. — A remarkable effort against the mendicants is mentioned by Continuator Chronicus Guil. de Nangis in *d'Achery Spicileg.* T. III. p. 112: Anno Dom. 1351 insurrexerunt Domini Cardinales et Prælati alii multi cum magna multitudine Curatorum contra Religiosos Mendicantes in Curia Romana, volentes et petentes a Domino Papa Clemente VI. eorum annulationem, et quod deficerent in se: Episcopi allegantes fortiter in Consistorio, quod ipsi Mendicantes non erant ab Ecclesia vocati et electi, et quod eis non incumbebat fidelibus prædicare, neque confessiones audire, sed neque sepulturas recipere alienas: unde requirebant dicti Prælati cum Curatis, quod ipsi Mendicantes cassarentur, vel quod saltem cessarent a præmissis, aut ad minus quod non solum quarta portio de sepulturis alienis daretur, sed totum emolumentum ipsis Curatis ex integro redderetur, quia nimis erant ditati ipsi Mendicantes de talibus sepulturis. But the Pope interfered at once in their behalf: objecit etiam Dominus Papa ipsis Prælatis et Curatis, de quo si ipsi Mendicantes tacerent, de quo ipsi populo prædicarent? quia si de humilitate prædicaveritis, vos, inquit Dominus Papa, estis super omnes status mundi magni, superbi et elati et pomposi: — si de paupertate, vos estis magis tenaces et cupidi, unde non vobis sufficiunt omnes præbenda ac beneficia mundi: si — de castitate, de hoc, inquit nos taceamus, quia Deus scit, qualiter quilibet agit, et qualiter quamplurimi in deliciis nutrunt corpus suum, etc. — Richard, archbishop of Aragnagh (of him, see *Baluzii* not. ad Vit. PP. Aven. p. 950), having been complained of to the Pope on account of certain injurious allegations against the mendicants, defended himself before Innocent VI. A. D. 1357, in a set speech, which is still extant. Defensorium curatorum (in *Goldasti Monarchia*, T. II. p. 1392, and *Broicu* append. ad fascic. rerum expet. et fug. p. 466): IV. Quod Dominus noster Jesus Christus docuit, non debere hominem spontanea mendicitate super se assumere perpetuo observandam; VIII. quod pro confessione parochianorum — eligibilior est parochialis Ecclesia, quam fratum oratorium sive ipsorum Ecclesia; IX. quod ad confessionem parochianorum — eligibilior est persona ordinarii quam fratris persona. Richard remained a long time in Avignon and (Prima vita Innocent VI. in *Baluzii* vit. PP. Aven. p. 338) duravit quæstio hujusmodi per aliquod tempus. Sed tamen indecisa remansit propter obitum suum (Richard's), qui supervenit; de quo dicti fratres potius de *Gaudemus* quam de *Requiem* cantaverunt. Comp. *d'Argentré* collectio judiciorum de novis erroribus, T. I. p. 378. He was answered by the Franciscan and professor of theology in Oxford, Rogerus Chonoe, or Connovius de confessionibus per Regulares audiendis in *Goldast.* l. e. p. 1410. — On the 2d of January, 1409 (more Gallicano 1408), the Franciscan, Joannes de Goretto, was compelled by the Sorbonne to revoke the following propositions which he had maintained (*Bulæi* hist. Univ. Paris, T. V. p. 189; *d'Argentré* collectio judiciorum, T. I. P. II. p. 178): I. quod sacramentum penitentiae nihil agit in habente gratiam virtute sacramenti; II. quod debite confessus non possit obligari, ut iterum confiteatur eadem peccata; III. Curatis non competit, ut tales sunt, prædicare, confessare, extremam unctionem dare, sepulturas dare, decimam recipere. Fundatur in hoc, quod Curati non sint de institutione Christi et Ecclesiæ priuariæ, sed per Dionysium Papam fuerunt ordinati. Item quia stat Curatos esse, qui non sunt sacerdotes; IV. fratibus competit principalius, vel essentialius, prædicare et confessiones audire, quam Curatis. Fundatur, quia fratibus competit ex regula, etc. Instead of these he had to adopt the following: I. DD. Curati sunt in Ecclesia minores Prælati et Hierarchæ ex prima institutione Christi, quibus competit ex statu jus prædicandi, jus confessiones audiendi, jus sacramenta ecclesiastica secundum exigentiam sui status Parochianorum ministrandi, jus sepulturas dandi, jus insuper decimas et alia jura parochialia recipiendi; II. Item, quod jus prædicandi et confessandi competit Prælati et Curatis principaliter et essentialiter; et Mendicantibus per accidens ex privilegio; quoniam sunt introducti, vel admissi ex concessione et beneplacito DD. Prælatorum; III. Item quod eadem peccata possunt licite

even beyond these assumed privileges with impunity.⁴ The old jealousy between the Franciscans and Dominicans was still kept alive by doctrinal differences,⁵ but any absolute collision between these two great

et meritorie plures confiteri in multis casibus, et quod virtute s. Sacramenti poterit eis prodesse qualibet talis reiterata confessio, etc. In revenge for this, the Minorites prevailed on Alexander V. to issue a bull, October 12, 1409 (in *Bulæus*, I. c. p. 196), confirming anew the privileges of the mendicants, and condemning the following propositions, which, no doubt, were maintained by the university of Paris: I. Confessus fratri admissus in forma *Dudum* (Clement III. 7, 2) tenetur eadem peccata — iterum Curato confiteri. II. Conclusiones Joannis de Poliaco damnatae per Joannem XXII. sunt satis veræ. III. Statutum Joannis XXII. editum, *Vas electionis*, est irritum et inane, quia cum illud fecit, erat hæreticus. IV. Stante statuto, *Omnis utriusque sexus*, nec Deus, nec Papa — potest facere, quin confessus fratri mendicanti admissus iterum teneatur confiteri suo Curato. V. Confessio fratibus admissis facta est dubitabilis. Quapropter omnes tenentur dimittere incertum, et sic solum confiteri suis sacerdotibus curam animarum habentibus sub pœna peccati mortalis. VI. Quamvis fratres admissi habeant auctoritatem absolvendi et audiendi confessiones, tamen populus subjectus non habet potestatem accedendi ad Mendicantes admissos sine licentia proprii sacerdotis; et Fratres petentes privilegia pro confessionibus audiendis et sepulturis habendis sunt in peccato mortali et excommunicati; et Romani Pontifices talia privilegia concedentes Mendicantibus, aut eisdem confirmantes, sunt in peccato mortali et excommunicati. VII. Fratres non sunt aut fuerunt Pastores, sed fures, latrones et lupi. VIII. Sacerdos Curatus dans licentiam Mendicantibus audiendi confessiones magis dispensat cum statuto *Omnis utriusque sexus*, quam Papa Fratribus dans licentiam juxta formam Decretalis *Dudum*. The university was highly incensed at this bull: Gerson delivered a discourse against it (Opp. ed. *Du Pin*, T. II. p. 431 seq.): the Sorbonne pronounced it intolerabilis et totius status Ecclesiastici turbativa (*Bulæus*, I. c. p. 201), etc., and John XXIII. had to repeal it in 1410 (*Bulæus*, p. 204).

⁴ Thus at the council of Vienne, the following complaints were brought by one of the bishops, de excessibus exemptorum, referring, no doubt, especially to the mendicants (*Raynald*, ann. 1312, no. 24): ipsi — publice excommunicatos a suis ordinariis ad sacramenta et sacramentalia admittunt in suis ecclesiis et capillis. — In eisdem etiam dispensationes clandestinas et benedictiones, quamquam inter personas excommunicatas aut consanguinitate vel affinitate conjunctas, seu alias matrimoniali vinculo confederatas celebrare non verentes. — Et dum a talibus excessibus — ab ordinariis arguuntur, de sua exemptione confisi reddunt pro verbis humiliibus verba tumida et superba, etc. Reformatorii Conc. Constantiensis decretales, lib. III. Tit. X. c. 12 (v. d. Hardt Conc. Const. I. XII. p. 715): Multorum querelæ Curatorum ad hoc sacrum Concilium deducta, qualiter fratres ordinum mendicantium limites Apostolici privilegi — multipliciter excedant: sic quod superiores dictorum fratrum non eo modo, sicut deberent, sed in scriptis, imo interdum nomine non expresso, Ordinariis locorum suos terminarios, ut plurimum idiotas, et interdum minus quam presbyteri curati scientes, præsentant; præsentati soli absque socio per parochias velut vagi transcurrunt, absolutiones suas, ultra curatorum efficaciores, tanquam Apostolica auctoritate concessas, prædicant sæpius; quod in casibus eis non commissis absolvunt, pecuniaria etiam pactione præcedente aut interveniente; decadentibus et testari volentibus secretius ingerunt, sibi et non Curatis legari et apud suos conventus sepcliri: quibus omnibus secretius ingestis et practicatis canoncam ipsis curatis non exhibent portionem, etc.

⁵ See above, § 75. Especially concerning the immaculate conception of the Virgin, and concerning evangelical poverty. So too they vied with each other in extolling their respective founders. After the example of the Franciscans (see above, § 70, note 3; comp. § 110, note 16) the Dominicans also began now to compare their Dominic to the Saviour himself. cf. Vita s. Catharinae Senensis (of the third order of St. Dominic, † 1380), written by the general of the order, *Raimundus Capuanus*, P. II. c. 7 (Acta SS. Aprilis, T. III. p. 904): he relates that Catharine saw in a vision, summum et æternum Patrem, de ore suo (ut videbatur) coæternum sibi Filium producentem. — Quod dum attenderet, ex alia parte vidit

orders was avoided by their choosing separate spheres of activity. The Dominicans having almost the entire control of the Inquisition, and the spiritual care of the higher classes, gradually lost the character of a mendicant order.⁶ The Franciscans, on the other hand, aimed rather at an influence over the great mass of the people, and left no means untried (not excepting holy frauds)⁷ to inspire them with a deep reverence for the order, and extort from them their wealth.

§ 110.

INTERNAL HISTORY OF THE FRANCISCANS.

The abolition of the order of Cœlestine-Eremites by Boniface VIII. (see Vol. II. § 70, note 15), had only the effect of renewing and widening the breach between the Spirituales and the fratres de communitate. The former were not to be prevailed upon, by all the

beatissimum Patriarcham Dominicum ex ejusdem Patris produci pectore, luce ac splendoribus circumdatum: audivitque ex eodem ore profatam vocem, quæ verba infrascripta formabat: Ego, dulcissima filia, istos duos filios genui, unum naturaliter generando, alium amabiliter et dulciter adoptando. — Sieut hic filius a me naturaliter et aeternaliter genitus, assumpta natura humana, in omnibus fuit perfectissime obediens mihi usque ad mortem; sic filius adoptivus meus Dominicus, omnia quæ operatus est ab infantia sua usque ad terminum vitæ suæ fuerunt regulata secundum obedientiam præceptorum in eorum, nec unquam semel fuit transgressus quodcumque præceptum meum. — Et sieut filius naturalis hic, tamquam verbum aeternum oris mei, locutus est palam mundo; — sic filius meus adoptivus Dominicus veritatem verborum meorum prædicavit palam mundo. — Sicut filius mens naturalis misit discipulos suos, — sic iste adoptivus misit fratres suos, etc.

⁶ Comp. the Dominican *Petri Paludani*, in Paris (about 1330), tract. quod fratres Prædicatores possunt habere possessiones et redditus.

⁷ Especially by the carrying to a greater extent the absolution granted at Portuncula (see § 69, note 8). The Cardinal Bonifacius de Vitaliniis (or rather de Amanatis, see *Baluzii PP. Aven. I.* p. 1340) relates in his Comment in Clementinas A. D. 1388, that the Franciscans maintained, that on every 1st of August as many souls could be released from purgatory as any one would go in and out of the church. See *J. B. Thiers traité des superstitions, qui regardent les sacremens* (Paris. 1701. 4 voll. 12mo.), vol. III. p. 259. — *Hermannii Corneri* (Dominican in Lübeck) Chron. ad ann. 1359 (in *Eccardi Corp. hist. medii aevi*, T. II. p. 1101): the Franciscan Arnaldus de Villa Preodii Vercellensis Diecesis maintained, quod nullus possit damnari, deferens habitum Ordinis s. Francisci, asseruitque constanter, b. Franciscum omni anno semel descendere de celo ad purgatorium, et eripere inde animas omnium illorum, qui illo anno defuncti, in habitu Ordinis sui extiterunt sepulti, et ad purgatorium fuerant missi. (This Franciscan was Arnaldus Montanerius Villæ Podii Ceritani Diœc. Urgellensis. See *Eymericus Directorium Inquisitorum*, P. II. Qu. 11 in fine. Also *Wadding* ann. Minorum, ann. 1371, no. 28, sees nothing impossible in this yearly descent of St. Francis to purgatory.) Hujus autem erroris assertores nedum sed et publici pronuntiatores ac prædicatores plures in Ordine prædicto impræsentiarum existunt, qui ausu temerario talia figura et mendacia non verentur populo intimare. Imo temporibus meis, *me præsente*, in provinciali Synodo in urbe Hammeburgensi celebrata anno Dom. 1406 — Dominus Joannes Episcopus Lubicensis — hunc errorem in publico consistorio ipsis fratribus Minoribus ibidem præsentibus objecit, — tanquam per dictos fratres publice prædicatum in urbe Lubicensi.

efforts of the popes, to reunite themselves with the order,¹ and preferred to be excluded from the church as heretics rather than yield ; as was seen in the year 1317, when John XXII. summoned a party of them before the Inquisition in Narbonne and Beziers.² Those who had been thus rejected (fraticelli) now joined themselves to the motley company of the Beghards,³ with whom they shared their wild

¹ See a disputation or conference held before Clement V. (in *Wadding*, ann. 1310, no. 1 seq.). After this, A. D. 1312, Clement gave a new decision concerning the rules in the constitution, *Exi vi de Paradiso* (Clementin. Lib. V. Tit. 11, c. 1), in which he concedes something to both parties, in order to bring about a union.

² How they got possession of the convents in Narbonne and Beziers, see in *Wadding*, ann. 1314, no. 8 ; the proceedings of John XXII. against them, *ibid.* ann. 1317, no. 11 seq.

³ Of the former connexion of the Beghards with the Franciscans, see § 71, notes 9 and 11. Also John XXII. bull *Sancta Romana* of December 30, 1317 (in *Extravagg. Jo. XXII. Tit. VII.*) : Nonnulli profanæ multitudinis viri, qui vulgariter *Fraticelli*, seu *fratres de paupere vita*, *Bizochi sive Beguini*, vel aliis nominibus nuncupantur in partibus Italie, necnon in insula Siciliensi, comitatu provinciae, Narbonensi et Tolosana civitatibus — habitum novæ religionis adsumere, congregations et conventiculas facere, et superiores sibi ipsis eligere, quos ministros, seu custodes, vel gardianos, aut nominibus aliis appellant, plurimos ad eorum sectam recipere, — publice mendicare, quasi eorum secta foret una de religionibus per sedem apostolicam approbatas, temeritate damnabili presumserunt, et presumunt etiam incessanter. Et ut ipsum error veritas, et impietas religio reputetur ; plurimi eorum regulam seu ordinem fratrum Minorum, quem s. Franciscus instituit, se profiteri ad litteram conservare confingunt, quanquam in obedientia generalis, vel provincialium ministrorum ipsius ordinis non morentur, praetendentes se a sancte memoriae Cœlestino P. V. — hujus status — privilegium habuisse. Quod tamen, etsi ostenderent, non valeret ; cum bonæ memoriae Bonifacius P. VIII. — omnia ab ipso Cœlestino — concessa — viribus penitus vacuaverit. — Nonnulli etiam ex ipsis asserentes, se esse de tertio ordine b. Francisci, Penitentium vocato, prædictum statum et ritum corum sub velamine talis nominis satagent palliare : cum tamen in regula ipsius tertii ordinis talis vivendi ritus nullatenus sit concessus. — Ipsorum quam plurimi — a veritate catholicae fidei deviantes, ecclesiastica sacramenta despiciunt ac errores alios student multipliciter seminare. Then a strict prohibition of this way of life under penalty of excommunication. — In the bull *Gloriosam Ecclesiam* of January 23, 1318 (in the *Bullario Rom.* and in *Raynald*, ann. 1318, no. 45), the bishops are called upon to take prisoners the Pseudo-Minorites who had fled to Sicily, and there formed a peculiar party, distinguishing themselves by quosdam habitus cum parvis caputis curtos, strictos, inusitatos et squalidos, and deliver them up to the order for punishment. Also a short account is given of the controversies that have taken place, and of the different heresies. Namely : I. Primus error — duas fingit Ecclesias, unam carnalem, deditis pressam, effluentem deliciis, sceleribus maculatam, cui Rōmanum Præsulem, aliasque inferiores Prælatos dominari asserunt : aliam spiritualem, frugalitate mundam, virtute decoram, paupertate succinctam, in qua ipsi soli eorumque complices continentur, cui etiam ipsi spiritualis vitae merito, si qua fides est mendaciis, principiantur. II. Secundus error — venerabiles Ecclesias sacerdotes — sic jurisdictionis elamitat auctoritate desertos, ut nec sententias ferre, nec sacramenta confidere, nec subjectum populum instruere valeant ; — quia apud ipsos solos, ut ipsi somniant, sicut spiritualis vitae sanctitas, sic auctoritas perseverat. III. In nullum eventum asserunt fore jurandum, dogmatizantes, mortalis criminis contagione pollui et pena teneri, quos contigerit juramento religione constringi. IV. Sacerdotes rite — ordinatos, quibuslibet tamen criminibus pressos, non posse confidere vel conferre ecclesiastica sacramenta. V. Evangelium Christi in se solis hoc in tempore — esse complectum, quod hactenus, ut ipsi somniant, obiectum fuerat, immo prorsus extinctum. — Multa sunt alia, quæ isti presumptiosi homines contra conjugii venerabile sacramentum garrire dicuntur, multaque de

fanaticism;⁴ and great numbers of both fell victims to the Inquisition.⁵

Amongst the great mass of the Franciscans (*fratres de communitate*) the renunciation of all property, even as a community, had become a mere name by the construction put upon the rule by the popes. But on this *name* the order laid such stress, that in the year 1321 they fell into a violent controversy with the Dominicans on the question, whether Christ and the Apostles possessed any thing whatever even in common.⁶ John XXII., wearied of the continual controversies on this subject, decided in favor of the Dominicans, notwithstanding the earnest representations of their opponents,⁷ and

cursu temporum et fine sæculi somniant, multaque de Antichristi adventu, quem jamjam instare asserunt, flebili vanitate divulgant, etc. Comp. Culpæ Beguinorum in the Liber Sententiarum Inquisitionis Tolosanæ ab anno 1307 – 1323, p. 298 seq., appended to *Ph. a Limborch hist. Inquisitionis*. These Beguines held in high respect the Postilla Fr. Petri Olivi (see § 70, note 12), which they had in the language of the country. The church of Rome, therefore, was to them Babylon meretrix magna, John XXII. mysticus antichristus, præparator viæ majoris anti-christi (p. 304), regula s. Francisci unum et idem cum evangelio Christi (p. 302), namely, vita Christi, quam in hoc mundo servavit et servandum Apostolis suis tradidit (p. 303). S. Franciscus seu ordo ejus debebat ecclesiam renovare, of course only the *Spiritualies*. A Beguine who was tried 1321 (p. 298), credidit informatus per scripturam dicti frati P. Johannis (Olivi), quod infra XIV annos computandos a præsenti tempore Antichristus major complevisset cursum suum, etc.

⁴ *Alvarus Pelagius de Planetu Eccl. Lib. II. c. 51*, de erroribus Begardorum says of the tertius error Begardorum de spiritu libertatis (see above, § 87, note 25): Tempore meo in provincia b. Francisci multi sacerdotes et *fratres minores* pro ista carnali spiritu libertatis per inquisidores hæreticæ pravitatis incarcerati fuerunt. — tales valde *spirituales* videbantur in lucis angelum transformati. This is a sufficient answer to Wadding's (ann. Minorum, ann. 1317, no. 24 seq.) attempts to deny the origin of the Fraticelli from the Franciscans.

⁵ Such victims were looked on by their party as martyrs. Thus Mosheim mentions (*Institutt. hist. eccl. p. 583*, note 25) a *Martyrologium Spiritualium et Fraticellorum*, in which one hundred and thirteen martyrs are enumerated from 1318 to the time of Innocent VI.

⁶ See the account given by the contemporary *Nicolaus Minorita* in *Baluz. PP. Aven. T. I. p. 598*: Anno Dom. MCCCXXI — quidam Beginus seu Bizotus fuit captus in civitate Narbona pro facto hæresis per Archiepiscopum Narbonensem et fratrem Johannem de Belna, Ordinis fratrum Prædicatorum Inquisitorem hæreticæ pravitatis. Qui Beginus inter alia asserebat, quod Christus et Apostoli viam perfectionis sequentes nihil habuerunt jure proprietatis et dominii in speciali, nec etiam in communi. Qui Inquisitor volens judicare dictum Begunum convocavit ad consilium omnes Priores, Gardianos et Lectores religiosorum et quamplures alios sapientes, inter quos affuit frater Berengarius Taloni Lector in conventu fratrum Minorum de Narbona. Et inter cætera præfatus Inquisitor fecit legi præfatum articulum de paupertate Christi et Apostolorum ejus, pro quo volebat Begardum hujusmodi tanquam hæreticum judicare. Prælibatus frater Berengarius Lector super dicto articulo requisitus respondit, quod hoc dicere non erat hæreticum, sed dogma sanum, catholicum et fidele, maxime cum hoc esset per Ecclesiam in decretali *Exiit qui seminat* (Nicolai IV. see above, § 70, note 10) diffinitum. Quo facto, ac si asserisset hæresim dictus Lector, præfatus Inquisitor eidem præcepit, ut dictum suum statim in præsentia omnium revocaret. Qui Lector revocare noluit quoquo modo, sed — ad sedem apostolicam solemniter appellavit, et cum appellatione sua venit apud Avignonem.

⁷ See the two *Declaraciones* of the General Chapter of the Franciscans, held in Perusium in June and July, 1322, in *Wadding*, ad h. a. no. 51 seq.

declared the Franciscan doctrine to be heresy,⁸ renouncing in the name of the church of Rome all claim to the possessions of that order (1322).⁹ The more zealous Franciscans, with the general of the order, Michael de Cesena, at their head, took refuge with Lewis of Bavaria,¹⁰ and opposed the heretic Pope as long as they lived.¹¹ The

⁸ As Nicolas IV. in his bull *Exiit* had forbidden all further comment on the same under penalty of excommunication, John XXII. began with allowing this, in order that the subject might be investigated anew, in the bull *Quia nonnunquam* (Extravagg. Jo. XXII. Tit. XIV. c. 2) : then in the bull *Cum inter nonnullos* of November 12, 1322 (*ibid.* c. 4), he decides : in posterum pertinaciter adfirmare, quod Redemptori nostro ejusque apostolis iis, quæ ipsos habuisse scriptura sacra testatur, nequaquam jus ipsis utendi competit, nec illa vendendi seu donandi jus habuerint, aut ex ipsis alia acquirendi, quæ tamen ipsos de præmissis fecisse scriptura sacra testatur, seu ipsos potuisse facere supponit expresse : cum talis adsertio ipsorum usum et gesta evidenter includat in præmissis non justa, quod utique de usu, gestis seu factis Redemptoris nostri, Dei Filii, sentire nefas est, sacrae scripturæ contrarium, et doctrina catholicæ inimicum : adassertione ipsam pertinace de fratrum nostrorum consilio deinceps erroneam fore censendam merito ac hæreticam declaramus.

⁹ By the bull *Ad conditorem canonum* of 8 Dec. 1322 (*Ibid.* c. 3). He shows in this the fallacy of the right of property hitherto asserted by the church of Rome : Constat, quod post ordinationem prædictam (*Exiit*, Nicolai IV.) non fuerint in adquirendis ac conservandis bonis in judiciis et extra minus solliciti, quam ante illam fuerant fratres ipsi. — Adhuc nec utique profuit dictis fratribus ordinatio supra dicta, quantum ad hoc, quod propter parentiam talis proprii se pauperiores dicere valeant, quam si res ipsas cum illo, quo carere se dicunt, dominio obtinerent. Licet etiam prædecessor noster prædictus dominium earum rerum, quæ ipsi fratribus offerri seu conferri, aut alias obvenire contigeret, — in se Romanamque ecclesiam recipiendum duxerit; — attento tamen ipsorum fratrum utendi modo et ejus effectu, — non ipse usus fratrum dici debet, sed potius Romanæ ecclesiæ dominium esse simplex. Quis enim simplicem usuarium dicere poterit, cui rem usuariam licet permutare, vendere ac donare? Procul dubio haec naturæ repugnare noscuntur, nec ad usuarium pertinere, quæ tamen de rebus mobilibus ante dictis faciunt fratres ipsi. Quod autem dominium Romanæ ecclesiæ reservatum simplex censeri debeat, ex hoc patet, quod ex illo nullum eidem ecclesiæ temporale obvenit — commodum, etc. Further: Quod autem quoad res, quæ usu consumuntur, non sint censendi usuarii fratres ipsi, ex sequentibus liquet satis. Dicere siquidem, quod in talibus rebus usus juris vel facti separatus a proprietate rei seu dominio possit constitui, repugnat juri, et obviat rationi. Hence noientes in posterum sub prætextu — talis dominii temporalis verbalis, nudi ac ænigmatici tanta bona, quanta dicti fratres faciunt, infici, — sancimus, quod in bonis, quæ in posterum conferentur, — fratribus seu ordini supra dictis (exceptis ecclesiis, oratoriis, officiis et habitationibus, ac vasis, libris et vestimentis divinis officiis dedicatis —) nullum jus seu dominium aliquod — Romanæ ecclesiæ adquiratur, sed quoad hoc habeantur prorsus ordinationes hujusmodi pro non factis. Et — districtius inhibemus, ne deinceps pro recipiendis, petendis, extorquendis, defendendis seu administrandis bonis — quisquam nominetur — nomine s. Romanæ ecclesiæ procurator, etc. An appeal was made against this bull on the 14th of Jan. 1323, by *Fr. Bonagratius*, before the papal commissary, on which he was thrown into prison (*Wadding*, ann. 1323, no. 1).

¹⁰ See above, § 96, note 28.

¹¹ Compare *Michælis Cæsenatis tract. contra errores* Jo. XXII (in *Goldasti Monarchia* II. p. 1236), Ejusd. litteræ ad omnes fratres ordinis minorum A. D. 1333 (*ibid.* p. 1338 seq.) and ad Regem Rom. et Principes Alemaniæ (*ib. p. 1344*). — *Guil. Ockami compendium errorum Papæ* (*ibid. p. 957*), Ejusd. opus nonaginta dierum contra errores Jo. XXII (*ibid. p. 993*). On the other hand the Dominicans defended the decision of the Pope, especially *Petrus Paludanus* in Paris (1330, Patriarch of Jerusalem, † 1342), tract. de paupertate Christi et Apostolorum contra Michælem de Cæsena (Ms. in bibl. Colbert.). Other works on the

majority, however, submitted, and chose a new general, nominated by the Pope (A. D. 1329).¹²

The ordinances of John XXII. could not fail to produce a still greater laxity in observing the rules of Francis,¹³ and the reconciliation of the Spirituales with the order thus became less possible than ever. Throughout the 14th century, therefore, they were continually renewing their attempts to unite themselves in small remote settlements in various parts of Italy, for the strict observance of the rules they held so dear. At first these associations were not seldom broken up. Afterwards, however, they were protected by some of the generals of the order,¹⁴ till they became so considerable, that they were for-

subject see in *Raynald*, ann. 1323, no. 38 seq. As early as 1324, John XXII. himself defended his Constitutions in a new bull *Quia quorundam* (*Extravagg.* Jo. XXII. Tit. XIV. c. 5) and excommunicated his opponents. *Petrus Rogerius* (a Benedictine, and professor of theology, in Paris, afterwards Pope Clement VI.), relates in his *Lectura* on this bull (see *Baluzii* not. ad Antonii Augustini de emendatione Gratiani dialog. lib. I. dial. 17), that a Parisian theologue, no doubt a Dominican, went so far as to maintain: adserere Christum et Apostolos nihil habuisse est magis hæreticum, quam adserere Deum non esse incarnatum. Namely: illud est magis hæreticum, quod est contra majorem evidentiam fidei. — Sed adserere, quod Christus et Apostoli nihil habuerunt in proprio vel communio est contra majorem evidentiam fidei. Illi enim, qui erant tempore Christi et Apostolorum, clare videbant, quod Christus et Apostoli habebant aliqua vel in proprio, vel in communio; non tamen ita clare videbant, quod Deus esset incarnatus, quia non videbant clare Christum esse nisi purum hominem. Ergo, etc.

¹² At a general chapter in Paris, *Wadding*, ann. 1329. The Franciscans now went back to their old fiction, that the real ownership of the property bestowed on them remained with the donor (see above, § 70, note 5), see *Alvarus Pelagius de Planctu Eccl.* lib. II. c. 55: fratres minores possunt habere usum quemlibet separatum a proprietate, cuius proprietas Romana ecclesia erat olim, et nunc dantium, propter Extravagantem, quam fecit Papa Joannes XXII contra fratres minores, quæ incipit *Ad Conditem*.

¹³ See the confession of the Franciscan *Alvarus Pelagius* II. c. 66, that the brethren often de pecunia, quæ pro eis deponitur, emunt et faciunt superflua. — Item non pro necessitatibus ingruentibus — faciunt pecuniam deponi, sed pro futuris necessitatibus et non necessitatibus. — Item vadunt aliqui per terras et villas, — eleemosynas pecuniarias procurando et petendo, et importunitates frequenter ingerendo, famulum retro ducendo, et denariis pidores et loculos implendo. — Item ponunt aliqui cippos et arcas in eorum ecclesias, ut ibi sacerdotes ponant pecunias. — Item tangunt pecunias vel cum cera vel cum ligno vel cum palea. Portant etiam quidam eorum pecunias sutas in habitibus et tunicis. Quidam etiam eorum faciunt sibi pecuniam ponni in capitiiis, etc.

¹⁴ Thus Philip of Majorca was denied by John XXII. (*Wadding*, ann. 1328, no. 28), and afterwards by Benedict XII. (*ibid.* ann. 1340, no. 23), on his applying for permission to found a company of strict Franciscans, and the latter said to Robert of Sicily, who interceded in behalf of the applicant, quod idem Philippus sectæ Beguinorum — promotor, defensor, rector et conservator extitit, — et his nequaquam contentus tam contra Joannem P. XXII — quam sedem prædictam multa enormia et hæretica — publice asseruit, et etiam prædicavit interdum. — A small society of the sort was formed by *Johannes de Valibus*, near Bruliano, A. D. 1334, with the permission of the general of the Order (*Wadding*, ann. 1334, no. 24): but as it spread further, the envy of the Order was awakened, and the new society was accused of heresy (spiritum libertatis inter eos dominari — eos receptasse aliquos hæreticos) and dispersed by order of the Pope (*Wadding*, 1355, no. 1 seq.). — Those which were permanently established were the congregation of the Clarenes, formed by *Angelus de Cingulo*, from the remnant of the Celestines, A. D. 1302, in the Mark of Ancona (*Wadding*, ad h. a. no. 8); and

mally sanctioned by the council of Constance under the name of *fratres regularis observantiæ*, as distinguished from the *fratres conventuales*.¹⁵

In proportion as the Franciscans relaxed from the strictness of the supposed evangelical mode of life, which their founder had established, it seemed as if they hoped to appease the saint by the increased extravagance of their praises, and the impious comparisons they instituted between him and Christ.¹⁶ The prophecies of John de Rupescissa show that they were still looking for the approaching renovation of the church through the instrumentality of their order.¹⁷

that of *Paulutius*, Paolucci of Foliani, a pupil of John de Vallibus, who established himself in the ruined hermitage of Bruliano by permission of the general of the Order (*Wadding*, ann. 1368, no. 10), and so much increased his society (*Wadding*, ann. 1380, no. 29; 1384, no. 4; 1385, no. 4; 1388, no. 1; 1390, no. 1), that he was considered the founder of the more strict rule.

¹⁵ Sessione XIX. d. 23 Sept. 1415. v. d. *Hardt Conc. Const. T. IV.* p. 515.

¹⁶ Compare Div. II. § 70, note 3. This was the date of the appearance of the famous Liber conformitatum by the Franciscan *Bartholomæi Albicij* or *Barth. de Pisis*, written 1385, and offered to the general chapter held at Assisi 1399, and received with much applause (the only complete edition, Mediolani, 1510, fol.). An extract by Erasmus Alberus, with a preface by Luther: *Der Barfüsser Mönche Eulenspiegel u. Alcoran*, 1531, also 1573 and 1614. 12mo., still fuller in the translations: *l'Alcoran des Cordeliers* and *Alcoranus Franciscanorum*, which have been often published. This work consists of three books, showing 40 points of agreement between St. Francis and Christ, which are pointed out in the superscription, e. g. Lib. I. 1. Jesus prophetis cognitus, Franciscus declaratur (alleged prophecies of St. Francis tam ante ortum, quam in ortu et post ortum declarato et agnito). 2. Jesus emissus cœlitus, Franciscus destinatur. 3. Jesus late progenitus, Francisco vir lætatur (prophets and angels rejoiced at the birth of St. Francis, as at the birth of Christ). — 6. Jesus abjectus cernitur, Franciscus separatur. e. g. Nam apostoli etsi naveam et alia reliquerunt, non tamen vestimentum, quod in dorso habebant: beatus vero Franciscus non solum omnium terrenorum facultati abrenunciavit, sed et pannos et femoralia rejicit, nudum corpore et mente se offerens brachiis crucifixi, quod de nullo alio sancto mundum abrenunciante aliebici legitur, et sic in hoc b. Franciscus singularis ab omnibus reperitur. Thus one of the Order saw in a vision the courts of heaven, and therein numerous seats, inter quas vidit unam eminentiorem aliis et præ omnibus glorioius fulgentem, et ornatam omni lapide pretioso, et admirans ejus pulchritudinem cœpit cogitare, cuius esset, et statim vocem audivit dicentem sibi: hæc sedes fuit Luciferi, et loco ejus sedebit humilis Franciscus. — Lib. II. Conf. 13. Jesus signis mirificus, Franciscus divulgatur. In St. Francis too the prophecy was fulfilled: omnia subjecisti sub pedibus ejus et constitueristi eum super omnia opera manuum tuarum, as well as quod cantatur in evangelio sui festi: omnia mihi tradita sunt a patre meo. Lib. III. Conf. 37: Jesus transcendens angelos, Franciscus sublimatur, closing thus: sic b. Franciscus super angelos, archangelos, thronos, dominationes, virtutes, potestates, principatus et cherubin est elevatus, et in ordine seraphico in sede Luciferi locatus et sublimatus, quo concluditur, quod omnes inferiores ordines, tam quoad angelicos spiritus quam humanos, b. Franciscus sublimatus in ordine supremo excessit gratia et meritis. It is true that this work, under the strange title of *Bartholomæus Conformi*, was included in the Index librorum prohibit. in 1564: but still the Franciscan *Henr. Sedulius* in his *Apologeticus adv. Alcoranum Franciscanorum pro libro conformitatum*, Antwerp. 1607. 4to., says in the Prolegomenis: Pudere nos libri conformitatum, tam hoc est falsum, quam, quod scribit Lutherus, verum, nos pro hac abominatione needum penitentiam agere, hanc non recantare. Compare (*B a u in g a r t e n s*) Nachrichten von einer hallischen Bibliothek, Bd. 1. S. 286—359.

¹⁷ He was thrown into prison by Clement VI., A. D. 1349, in Avignon, as a false prophet and heretic (*Brown Append. ad Fasciculum rerum expetendarum et*

§ 111.

NEW ORDERS.

In this period also there sprung up new orders, though new only in the form, not the spirit, and hence worn out as speedily as the old had been. The *Olivetans* were a fraternity of the Benedictines founded by John Tolomens on the Mount of Olives, near Siena (Congregatio s. Mariæ montis Oliveti, confirmed by John XXII. A. D. 1319).¹ The order of the *Jesuates* was established in Siena itself by John Colombino (Jesuati, confirmed by Urban V. A. D. 1367), and was a mendicant order, composed entirely of laymen, who adopted the rule of St. Augustine.² In Spain and Italy there were several orders of *Jeromites*.³ The order of St. *Birgitta*

fugiend. p. 494. Contin. *Chronici Guil. de Nungis* ad ann. 1356, in *d'Achery Spicil. T. III. p. 114*), but was afterwards released, and continued to be regarded by his order as innocent of the charges brought against him (*Wadding*, ann. 1357, no. 15). In the year 1356, he announced in his *Liber inscriptus Vade mecum in tribulatione* (*Brown*, l. c. p. 496) in 20 intentionibus the near appearance of Anti-christ, the renovation of the church, etc. Characteristic of the work is the following: *Intentio secunda est, universum clerum ac dominos supremos, — et universæ Ecclesiae Papas et Cardinales, etc. cum subditis clericis eisdem reducere ad modum vivendi sanctissimum Christi et Apostolorum sanctorum: quoniam impossibile foret Ecclesiæ aliter recuperare præfatum sæculum perditum et execratum, quoniam impossibile foret infidelium populorum, Judæorum, Tartarorum, Saracenorum et Turcarum ad Christi religionem repugnantem carnem et sanguinem reducere, nisi per viros spiritualissimos, legem spiritualissimam Christi non tam verbo quam opere prædicantes: si enim Prælati Ecclesiæ incederent ad prædicandam paupertatem Christi eum 200 vel 300 equis, sicut nonnulli ex eis hodie incedunt; — talibus utique prædicatoribus dicerent infideles illud Evangelii: Vade cæce, medere et cura te ipsum. Quare omnino necesse est ad reparationem mundi, modum vivendi Christi et Apostolorum suorum inchoari a summis et omnibus Prælatis Ecclesiæ generaliter. — Et ad hunc modum vivendi reducentur cum flagellis durissimis, videlicet infra annum Dom. 1370. — Intentio septima est intelligere modum denudandi Ecclesiam universam ab omnibus temporalibus rebus. Indignabitur siquidem mundus ante annum Dom. 1365 contra fastum divitiarum, temporalem gloriam mundanæ superbiæ clericorum, et tyrannici ac laici populi subito et insperate consurgent et auferent ab eis dominia temporalia, — et ipsos relinquent in puris et nudis Evangelicis declaratis, et insuper multis tribulationibus et derisionibus eos afficiant, nec ipsis quibuscumque excommunicationibus aut bellicosis insultibus poterint obviare, etc. — Intentio decima est super apparitione duorum admirandorum prophetarum induendorum factis, qui *Apoc. c. 10*, resistent bestiæ ascendentí de mari: quoniam antequam perveniat mundus ad annum Dom. 1365, mittet Deus miraculose duos pauperrimos Cordelarios (*cordeliers*), abjectos fratres minores, qui ad literam sunt, de quibus dicit Dominus Jesus Christus, *Apoc. 11: Dabo duobus testibus meis, et prophetabunt dies MCCLX*, etc. — unus autem horum duorum erit Papa Romanus, generalis Christi vicarius, et alter, ejus socius, Romanæ Ecclesie cardinalis. — Hi igitur duo pauperculi sacratissimi minores abjecti, Cordeliorum abjecti, sunt mystice Elias et Enoch, etc.*

¹ *Raynald. ann. 1320*, no. 50.

² Of the history of St. Joannes Columbinus, and the origin of the Order, see *Acta SS. ad d. 31 Jul. (Jul. T. VII. p. 333)*.

³ Namely, in Spain the Eremitæ s. Hieronymi, founded by Peter Ferdinand Pecha, chamberlain of Peter the Cruel, king of Castile, about A. D. 1370, and confirmed, A. D. 1373, who followed the Regula Augustini. The third general of

(Brigitta) was founded by a female of that name in the convent of Wadstena about the year 1363, and confirmed by Urban V. in 1370. It united monks and nuns in the same convent, according to peculiar rules.⁴

§ 112.

OF THE FREER SPIRITUAL ASSOCIATIONS.

See *J. L. Mosheim de Beghardis et Beguinabus comm. ed. G. H. Martini*, Leips. 1790. Svo.

Neither the indiscriminate denunciation of the Beghards and Beguins by Clement V. for their heresy,¹ nor the violent persecutions to which they were continually exposed, nor even the mistrust with which all unmonastic spiritual associations were regarded by the Inquisition, could check the tendency to such associations (a sign not to be mistaken of the decline of monachism), especially in Germany and the Netherlands. As early as the pontificate of John XXII. such of them as held the orthodox doctrines were taken under the protection of the Pope.² In the Netherlands and in Germany great

the Order, Lupus Olivetus, established a separate congregation amongst them, by permission of Martin V., A. D. 1424, to which he gave a system of rules taken from the works of Jerome, (see in *Lucæ Holstenii Codex Regularum monast. ed. M. Brockie*, T. III. p. 43): in Spain this congregation was united again with the Order, A. D. 1595, but in Italy it continued to exist separately under the name Congr. Monachorum Eremitarum s. Hieronymi de observantia s. de Lombardia, see *Holstenius-Brockie*, T. IV. p. 1.—In Italy Peter Gambacorti or Petrus de Pisis, from 1377, founded the pauperes Eremitæ Petri de Pisis or Eremitæ s. Hieronymi. Also the Congregatio Fesulana founded by Charles de Montegranelli († 1417). See *Helyot hist. des ordres monastiques*, T. III. p. 423 seq.; T. IV. p. 18 seq.

⁴ Concerning the life of St. Birgitta, see *Acta SS. ad d. 23 Jul. Jo. Vastovii vitis Aquilonia, s. vitæ Sanctorum in Scandinavia Colon.* 1623. fol. ed. cum notis *Erici Benzeli Upsal.* 1708. 4to.—Her *Revelationes* have been often published, e. g. Ronae et Colon, 1628. *Monachii*, 1680, fol.—the rules of her order, as confirmed by Urban VI. 1379, in *Holstenius-Brockie*, T. III. p. 100 seq. According to cap. 10, each convent was to contain 60 sisters, and 13 priests to wait on them, juxta numerum XIII Apostolorum, quorum Paulus tertius non minimum laborem sustinuit, 4 deacons and 8 lay brothers, so that tantus omnium personarum erit numerus, quantus erat XIII Apostolorum et LXXII discipulorum. The males a Monasterio Sororum omnino sint separati, unam habentes pro se curiam, in qua habitabunt, etc. Cap. 12: Abbatissa eligatur a Conventu, legitime vero electa ab Episcopo confirmetur, que ob reverentiam beatissimæ Virginis, cui hic Ordo dedicata est, Caput et Domina esse debet, quia ipsa Virgo, enjus Abbatissa gerit vicem in terris, ascende Christo in cælos, Caput et Regina extitit Apostolorum et Discipulorum Christi.

¹ Compare the two Constitutions published at the council of Vienna, A. D. 1311, *Clementin.* Lib. III. Tit. 11. c. 1; and Lib. V. Tit. 3. c. 3. In the first: statum earundem (Beguinorum) perpetuo duximus prohibendum, et a Dei ecclesia penitus abolendum. cf. *Mosheim de Beghardis*, p. 244 seq.

² Extrav. comm. Lib. III. Tit. IX. A. D. 1318 (not 1325, see *Mosheim*, l. c. p. 627): quia in multis mundi partibus plurimæ sunt mulieres, quæ similiter vulgo

progress was made by the society of the Alexiani, or *fratres Cellitæ*, called Lollards by the people, who had associated themselves in Antwerp, soon after the year 1300, for the care of the sick and the dead.³ Lollard soon became synonymous with Beghard, and equivalent to heretic.⁴ In spite of all opposition they spread themselves more and more, till Gregory XI. at length decreed that they too should be left unmolested, as long as they were free from heresy.⁵

Beghinæ vocatae, segregatae, quandoque in parentum, aut suis, interdum vero aliis — domibus insimul habitantes, vitas ducunt honestas, ecclesiæ devote frequentant, — nec se vel alium — præmissis opinionibus erroribusque involvunt: — nos Beghinæ hujusmodi non culpabiles — sub prohibitione et abolitione (Clementis V) præmissis — volumus non includi, locorum ordinarii nihilominus injungentes, ut eas sub prætextu hujusmodi nullatenus molestari permittant. — Cæterum statum Beghinarum hujusmodi, quas esse permittimus, — nullatenus ex præmissis intendimus approbare. Compare the bull addressed to the bishop of Strasburg, A. D. 1318, in *Mosheim*, l. c. p. 630. In another addressed to the Italian bishop, A. D. 1326, *Ibid.* p. 638, he interferes in behalf of the mulieres, Beguinæ vulgariter nuncupatas, seu de pœnitentia b. Dominici, in Lombardiæ et Tusciae partibus.

³ Lollard from lollen, lullen, i. e. *to sing softly*. Annales Holland. et Ultraject. in *A. Matthæi Analect. vet. avi*, T. I. p. 431: Die Lollardtjes die brochten de dooden by een, cf. *Matthæi*, l. c. T. II. p. 345, 643. *Jo. Bapt. Gramaye* Antwerpia, Lib. II. c. 6. p. 16. *Ejusd. Lorani* in his *Antiquitt. Belgicis*, Lovan. 1708. fol. p. 18. *Mosheim* instit. hist. Ecel. p. 589, note y. *Ejusd.* comm. de *Beghardis*, p. 583 seq.

⁴ See *Jo. Hocsemii* (a Canonicus in Liege about 1348) gesta Pontiff. Leodiens. lib. I. c. 31 (in *Chapeavilli* gestorum Pontiff. Leod. scriptores, T. II. p. 350): Eodem anno (1309) quidam hypocrite gyroagi, qui Lollardi sive Deum laudantes vocabantur, per Hannoniam et Brabantian quasdam mulieres nobiles deceperunt.

⁵ Two bulls of the 7 Apr. 1374, and 2 Dec. 1377, addressed to the German and Netherland bishops, in *Mosheim de Beghardis*, p. 396 and 401. In the second: Ad audientiam nostram pervenit, quod in vestris civitatibus et diœcesibus sint nonnulli pauperes utriusque sexus, qui humiliter et honeste in fidei puritate et honestis vestibus aut habitibus in paupertate et castitate vivunt, et ecclesiæ devote frequentant. Et quod, licet hujusmodi pauperes nobis et Romanae ecclesiæ et eorum Prælatis et Curatis reverenter obediunt, nullis erroribus se involvendo, — tamen nonnulli — Inquisidores hæreticæ pravitatis — hujusmodi pauperes occasione vestium indebitæ et injuste perturbant, ipsorum vestes simplices et honestas decurtari, transformari — faciendo, necnon occasione hujusmodi vestium sacramenta ecclesiastica inhibendo, et alia gravamina inferendo. — Quocirca fraternitati vestræ per Apostolica scripta mandamus, quatenus quilibet vestrum in diœcesi sua pauperes ipsius occasione — vestium nullatenus molestet, nec ab aliis molestari — permittatis. For the same purpose Boniface IX. issued a bull on the 7th of Jan. 1394, to the same bishops (in *Mosheim*, p. 653), in which is added to this description of the personæ pauperes the following traits, which were peculiar to the original Lollards: pauperes et miserabiles personas, petentes, ad eorum recipiunt hospitia, et alia exercent, prout possunt, opera caritatis, infirmos scilicet visitando, et, si opus sit, in eorum infirmitatibus eos forsitan requisiti custodiendo et fovendo, ac decedentium corpora fidelium — rogati ad sepulturam ecclesiasticam deferendo. Quamvis circa præmissa Vos et Inquisidores hæreticæ pravitatis — personis ipsis auxilio in præmissis esse deberetis, verumtamen ipsæ personæ per vos ac plerosque ex inquisitoribus ipsis, ac etiam per officiales et vicarios vestros in Spiritualibus generales — circa præmissa pia opera et modum vivendi multipliciter minus debite frequentius tribulantur, et eisdem circa præmissa diversa gravamina inferuntur. The bishops are therefore exhorted, when such persons in their diocese are free from the heresy of the Beghards, to secure to them the practice of their peculiar habits of life, citra tamen formam et ritum religionis aut alium modum vivendi reprobatum. — In these ordinances, the persons to whom they referred are only described, no name given them; they were called by the people, however, Beg-

After this an association of the clergy was formed by Gerhard Groot, a priest of Daventer († A. D. 1384), (fratres vitæ communis),⁶ who,

hards and Lollards, though the Popes understood under these names only heretics, against whom they were constantly passing the most severe enactments. Thus Boniface IX. on the 31st of Jan. 1395 (in *Mosheim*, p. 409): Cum, sicut pro parte dilectorum filiorum, universorum Inquisitorum hæreticæ pravitatis auctoritate Apostolica per Alemanniam deputatorum, propositum extitit coram nobis, in partibus illis sint nonnullæ sectæ utriusque sexus hominum, vulgo *Beghardi*, seu *Lullardi* et *Zwestriones*, a se ipsis vero pauperes Fraticelli, seu pauperes pueruli nominati, qui — novum religionis seu conformiem habitum assumere, congregations et conventicula facere, in communi habitare, superiores, quos Procuratores vel servos fratrum, aut Marthas sororum nuncupant, sub ipsis eligere et publice gregatim mendicare præsumunt, sub quorum etiam habitu et ritu vivendi — semper hæreses et hæretici latitarunt: — cum autem, sicut etiam accepimus, hujusmodi Beghardi, seu Lullardi, seu Zwestriones exemptionibus et concessionibus a sede præfata jacent se fulcitos; — nos igitur — omnes et singulas exemptions et concessiones hujusmodi eisdem Beghardis, seu Lullardis et Zwestrionibus — per nos vel quoscunque prædecessores nostros — forsitan factas — penitus revocamus, ac volumus quod hujusmodi Beghardi seu Lullardi et Zwestriones, quounque etiam nomine nuncupentur, in et super hæresibus — conveniri, et per Inquisidores — puniri possint et debeant. This bull is, to be sure, directed solely against the heretic Beghards, without taking back at all the protection granted to the orthodox paupers. The two classes were, however, difficult to distinguish from each other in practice, and thus the heretics sometimes availed themselves of the papal protection. Hence the treatment of these societies depended in fact on the decision of the bishops and the inquisitors, with regard to them, and the papal letters failed to insure the safety of the orthodox paupers.

⁶ The life of Gerhard and his immediate successors has been given by *Thomas a Kempis*, who belonged to this society from 1400 — 1471, in *Opp. Thomæ. Paris. 1549. fol. 159. ed. H. Sommali*, Antv. 1607. 4to. p. 765. Gerhard studied theology in Paris, and delivered lectures with some success in Cologne; but afterwards chose to devote himself to an ascetic life. He was soon distinguished in his native country as a preacher, *Vita Gerardi Magni*, c. 15: tantusque affectus audiendi verbum Dei in populo fuit, ut turbam convenientem ecclesia vix caperet. Nam inulti sua prandia relinquebant, et negotia necessaria suspendentes, ad ejus sermonem pia prorsus aviditate tracti concurrebant. Sæpe namque duos sermones uno die prædicavit, et quandoque spiritu fervoris concepto tribus horis aut amplius sermonem continuavit. Prædicavit autem in principalioribus civitatibus diœcesis Trajectensis — primum sermonem teuthonicum. — Et benedictus Deus, qui misso desuper spiritu sancto accendit corda fidelium suorum, et auxit populum suum vehementer, ut de paucis granis conversis surgerent multæ congregations devotorum fratrum et sororum in castimonia vitæ Deo servientium, ex quibus nonnulla monasteria regularium ac sanctimonialium seminarum initium sanctæ conversationis acceperunt. — Siquidem primo ad proximas regiones Hollandiæ, Gelriæ, Brabantia, dehinc ad remotiores partes Flandriæ, Frisiæ, Westfalia, Saxoniam ordo regularis et devotorum conventus deo prosperante cursim emanavit, insuper ad audientiam apostolicae sedis odor bona opinionis pervenit. Ipse namque venerabilis magister Gerardus spiritu Dei repletus, cum videret paulatim numerum discipulorum suorum augmentari, et ad studium cœlestis exercitii conflagrare, operam dedit et consuluit, ut devoti quandoque in unam domum pro mutua exhortatione convenirent, et de Deo ac charitate servanda sincere tractarent, et si qui simul stare vellent, de labore manuum suarum victum quererent, et communem vitam quantum possent sub disciplina ecclesiastica tenerent. Nullum etiam permisit publice mendicare, nisi evidens necessitas coegerisset, nec curiose per domos sub obtentu alimoniam circuire, sed potius domi manere, et operi manuali, ut Paulus suasit, insistere suasit, neque aliqua negotia devotionis impeditiva spe uberioris lucri censuit exercenda, ne diabolo instigante daretur infirmis occasio recidivandi rursum ad pristina mala. Habuit etiam in proposito adficandi monasterium clericorum ordinis Canonicorum regularium, volens quosdam de idoneis clericis sibi adhærentibus ad religionis habitum proinovere, ut aliis devotis essent in exemplum, etc.

taking the Apostles for their example, were supported by the work of

He was prevented from doing this himself by his early death, but his successor, Florentius, erected several such, *Thomas a Kempis* in vita Florentii, c. 27: maximam operam dedit multis prodesse ad aeternae salutis regnum, suadens hunc miserum et caducum spernere mundum. Misit ergo plures personas ad diversa monasteria et ad novas domos pro aliorum conversione extruendas. Ex quibus aliqui in Windeshem, aliqui in montem sanctæ Agnetis, aliqui in Northorn, aliqui in Gelriam, aliqui in Hollandiam perrexerunt. Quidam etiam monasteriorum priores, nonnulli rectores congregationum et monialium confessores effecti sunt. — Fuerunt eodem tempore, quo claruit et floruit in Darentia insignis sacerdos Dei Florentius, plures devoti sacerdotes in diœcesi Trajectensi, qui populum fidel in sermonibus sacris instruxere, et religiosos conventus sive fratrum sive sororum strenue gubernare noverant. Hi omnes debita cum reverentia domino Florentio humiliter se submittebant, et angelicum virum super arduis causis libentissime consultantez, ejus potius discretioni et prudentiae quam sibi ipsis credere maluerunt. Thus was formed a voluntary union of clergy, the purpose of which was to lead a religious life, and induce others to do so, and ready to be employed in the most different spheres. Some lived an active life as officiating clergy: others as canonici regulares in the monasteries connected with the society: besides these there were established in many cities of the Netherlands, and the north of Germany, so called Frater-houses (domus fratrum clericorum de communi vita), in which clergy and laity lived together without any particular rule, but still under the superintendence of a superior (Rector clericorum), supporting themselves by the work of their hands, and performing all clerical duties when required, especially ready to aid in forming and leading pious associations amongst the laity. The distinguished school at Deventer was not indeed connected with the Frater-house there either in its origin or constitution: but the brethren were of great use by undertaking the care of such pupils as applied to them. Thus *Thomas a Kempis* relates (Lib. de discipulis Dom. Florentii, c. 1), that when he came to Deventer studii causa in annis adolescentiae (1393) he applied to Florentius, who introduced him into the school, datis insuper librís, quibus me egere putavit. Demum hospitium cum quadam honesta et devota matrona gratis impetravit, quæ mihi et aliis multis clericis (pupils) saepius bene fecit. Then he goes on to praise the brethren: nunquam prius tales homines, tam devotos et ferventes in charitate Dei et proximi me vidisse memini, qui inter sæculares viventes, de sæculari vita nihil habebant, nihilque de terrenis negotiis curare videbantur. Nam domi quiete manentes librís scribendis operam sollicite dabant, sacris lectionibus et devotis meditationibus frequenter insistentes, etc. — Cap. 9 de Domino Amilio de Buren (the successor of Florentius since A. D. 1400): Cum studii causa se Darentiam applicuisset, ubi studium particolare tunc satis viguit, tanta diligentia in scholasticis artibus profecit, ut in brevi inter primarios unus de doctoribus fieret. — Dei autem munere factum est, ut tale ingenium in sæculari vita non periret. — Præventus ergo cælesti gratia, et ab altissimo inspiratus, accessit domum Domini Florentii, et attractus est pietas sermonum ejus. — Igitur postpositis scholis — factus est humilius frater, etc. Cap. 14 de Arnoldo Schænhoviae: who also came to Daventer propter doctrinæ studium. Dominus Florentius — concessit ei mansione in antiqua domo sua, ubi plures clerici numero fere viginti in communī bursa stabant, unam communem mensam et sumptum habentes, et in magna devotione domino famulantes. — Eodem tempore adjuvante domino Florentio et consulente domum illam inhabitare cœpi, et fere per annum in congregatione illa cum Arnoldo permansi. — Ibi quippe didici scribere, et sacram scripturam legere, et quæ ad mores spectant, devotosque tractatus audire. — Quicquid tunc scribendo lucrari potui, in sumptus communes tradidi, et quod mihi defuit, larga pietas dilecti domini mei Florentii pro me persolvit, et patrue in omnibus subvenit. Compare Chronicon Collegii Windeshemensis, or according to the title which it bears, Liber de origine modernæ devotionis omnium Presbyterorum, Clericorum et Sororum sive Beguinarum totius nostræ provinciæ Almaniæ, et consequenter de origine, processu et consummatione temporali et spirituali monasterii nostri in Windesem, Ordinis Canon. Regul. etc. in V. F. de Gudenus Sylloge prima variorum diplonatariorum monumentorumque veterum in editorum, Francof. 1728. 8. p. 400. Concerning Gerhard Groot's works, see Th. A. Clarisse in Kists u. Royaards Archief voor kerkelijke Geschiedenis, Th. 1. (Leyden, 1829) S. 355 ff.

their hands, and proposed to themselves no other object than by example and precept to promote true Christian piety each in his own sphere.⁷ Under their direction associations, male and female, were

⁷ Comp. the *Conclusa et proposita, non vota, in nomine Domini a Mag. Gerardo edita* (in *Gerardi vita scripta a Thom. a Kempis*, c. 18), which may be considered as the principles of the society: *Ad gloriam et honorem et servitium Dei intendo vitam meam ordinare, et ad salutem animæ meæ. Nullum bonum temporale, sive corporis, sive honoris, seu fortunæ, seu scientiæ præponere saluti animæ meæ.* — *Primum est nullum amplius beneficium desiderare.* — *Quanto plura beneficia et plura bona habeo, tanto pluribus ego servio, — et est contra libertatem spiritus, quæ est principale bonum in vita spirituali.* Item nulli Cardinali vel Ecclesiastico, attento hoc fine serviam, ad beneficia vel bona temporalia consequenda, quia hoc servitium multis lapsibus et recidivationibus proximum est, et tu debilis es. — *Rarissime est, quod qui scientiis lucrativis, vel medicinæ, vel legibus, vel decretis inhæret, rectus sit vel æquus in ratione, vel justus vel quietus vel recte vivens.* Item tu nullum tempus consumes in geometricis, arithmeticis, rhetoriciis, dialecticis, grammaticis, lyricis poetis, judicialibus, astrologis. *Hæc enim omnia per Senecam reprobantur, et retracto oculo bono viro respicienda sunt, quanto magis spirituali vel Christiano responda?* Item inutilis temporis consumptio est, et nihil prodest ad vitam. Item inter omnes scientias gentilium moralia minus abhorrenda sunt, quæ saepe sunt multum utilia et proficia, tam in propria persona, quam in docendo alios. Unde sapientiores omnem philosophiam ad mores retorquebant, sicut Socrates et Plato. Et si de altis rebus dixerunt, etiam sub levi moralitate ea figurative secundum b. Augustinum et experientiam tuam tradiderunt, ut et inventari posset semper mos juxta cognitionem. Unde et Seneca haec secutus in quæstionibus naturalibus totiens admisceret moralia. Quidquid enim meliores nos non facit, vel a malo non retrahit, novicum est. — Nunquam capies gradum in medicina; — similiter nec gradum in legibus vel canonibus, quia finis graduum est vel lucrum, vel beneficia, vel inanis jactantia. — Item nullam artem studere, nullum librum facere, nullum iter arripare vel laborem, nullam practicam scientiam exercere ad dilatandam famam meam et nomen scientiæ meæ, etc. — Item omnem disputationem publicam vitare et abhorrcere, quæ est litigiosa vel ad triumphandum vel ad apparendum, sicut sunt omnes disputationes theologorum et artistarum Parisii: immo nec ad diæcendum interesse. Patet, quia contra quietem sunt, — et inutiles et semper curiosæ, et ut plurimum superstitiones, animales, diabolicas et terrenæ. — Item nunquam disputabo cum quoconque private, nisi præordinetur certus evidens boni. — Radix studii tui et speculum vite sint primo evangelium Christi, quia ibi est vita Christi: deinde vitæ et collationes patrum: deinde epistolæ Pauli et canonicae et actus Apostolorum: deinde libri devoti, ut meditationes Bernardi, et Anselmi horologium, de conscientia Bernardi, soliloquia Augustini, et consimiles libri: item legenda et flores sanctorum, instructiones patrum ad mores, sicut pastorale Gregorii, de opere monachali b. Augustini, Gregorius super Job, et similia; homilia evangeliorum ss. Patrum et quatuor Doctorum; intellectus ss. Patrum, et postillæ super epistolas Pauli, quia continentur in capitulis Ecclesiæ; studium in libris Salomonis parabolârum, et ecclesiastæ, et ecclesiastici, quia continentur in ecclesia in lectionibus et capitulis: orabo spiritu, orabo et mente; studium et intellectus psalterii, quia continetur in ecclesia ss. patrum: psallam spiritu, psallam et mente: librorum Mosaicorum studium, historiarum Josua, Judicium et Regum, prophetarum, et expositiones Patrum in his. De modo transcurrendi decreta propter scire instituta majorum et ecclesiæ, non ad incorporandum, sed transcurrere, ne ignorantia juris pietatem vertas in inobedientiam, ut videas grossos ecclesiæ primitivæ fructus, ut scias a quibus debes cavere, et a quibus monere cavendum. Omni die quando potes, audire missam usque ad finem, etc. — *Vita Florentii*, c. 14: *Quod a venerabili magistro Gerardo didicit et accepit, hoc diligenter observavit, cuius sententia fuit, ut nemo ad congregationem suscipi deberet, nisi secundum b. Pauli dictum manibus laborare vellet.* Est namque operatio saneta ad omnem spiritualem profectum utilissima, per quam carnis lascivia domatur, et ab evagandi levitate mens dissoluta citius refranatur. — Igitur ars scribendi libros, quæ clericis melius convenit, et quietius exerceri potest, a fratribus domus ejus est maturius arrepta, et pro communi bono servando usitatius introducta. Ipse vero venerandus pater Florentius, ne vacuum nomen gereret rectoris, — dedit

soon formed, very similar both in form and object to the Beghards and Beguins. On this account they became suspicious to the Inquisition,⁸ and were exposed to frequent persecutions, though this did not prevent their spread.

scriptoribus exemplum clarum, membranas pumicando, quaterniones lineando et componendo. Quia licet minus bene scribere sciret, in præparando tamen aliis necessaria, quam plurimum scriptores adjuvit manu sua oleo sancto consecrata. Interdum cum opus esset, — assumpto socio libros jam scriptos perlegit et correxit, etc.

⁸ See the opinion which they obtained from the law faculty at Cologne, A. D. 1398, in *Mosheim de Beghardis*, p. 433: *Sequentes quæstiones cum suis solutio-nibus super casu, qui sequitur, sunt scriptæ et formatæ pro munimine Beghardo-rum, etc. Casus: In aliquibus partibus plures personæ se simul receperunt ad cohabitandum aliquo modo, sicut Clerici in una domo, in quo libros pro pretio scri-bunt, alii vero non scientes scribere, scientes tanen opera diversa mechanica, quæ similiiter exercent pro pretio in alia domo, aut etiam aliud faciunt opus manuale. Et ista personæ laborant manibus, et de his, quæ laboribus acquirunt, vel de suis propriis, si quæ habent, vivunt, et omnia sibi invicem pro maiore concordia libere communicant, vel in commune ponunt, comedunt simul, et non mendicant. Ha-bent etiam inter se unam personam probam, quæ curam domus habet, cuius monitis acquiescent vel obediunt, sicut boni scolares magistro.* The question whether such a mode of life without a monk's vow (extra religionem) was lawful, was answered by the faculty in the affirmative; on the other hand, we have the *Observationes Inquisitoris Belgici in Magistrorum Coloniensium responsum — pro detectione figmentorum sectæ Gherardinorum* (l. c. p. 443): *diversæ sunt congregations non solum Clericorum, sed maxime fœminarum, quæ in diversis domibus singulas Marthas habentibus, simul in communi, sub cura et regimine earundem Martharum degunt nec aliquid proprii, — sed omnia in communi habentes, partim de laboribus manu-um pro majori, aut de eleemosynis ad modum religiosorum vivunt. Quibus non licet comedere, bibere, sedere, stare, surgere, exire, loqui, vel dormire, aut quod-cunque aliud facere sine speciali licentia Martha vel submartha petita et obtenta. — Singulatim culpas suas dicunt, — et pœnas a Martha injunctas obedienter reci-piunt. Quæ omnia — licet de se non sint mala, immo bona et laudabilia; multi tamen contra ipsas clamant, novas congregations ad modum religiosorum propria temeritate facere sine licentia speciali sedis Apostolicæ non licere. — Est una Martha principalis in Trajecto, quæ domos sororum ibidem, et alios domos earundem in oppidis circumiacentibus, quolibet anno ad minus semel, vel bis, aut pluries, visitat directe. — Presbyter quidam cum dicta Martha in eadem domo hospitatur, et ista-rum congregationum legislator est atque gubernator supremus. — Non volunt regu-lam approbatam assumere, nec permittuntur ab ipsarum memorato gubernatore, dicente, se velle potius stabulum pecudum custodire, quam eas, si omnino vellent aliquam approbatam regulam accipere.*

CHAPTER FOURTH.

HISTORY OF THE THEOLOGICAL SCIENCES.

§ 113.

THIRD PERIOD OF THE SCHOLASTIC THEOLOGY.

[See § 73 and 74.]

Bossuet's History of the World. Contin. Schröckl's Kirchengesch. Th. 34.— Comp. Tiedemann's Gesch. d. Philosophie, Bd. 5, S. 125. Tennemann's Gesch. d. Philosophie, Bd. 8, zweite Hälfte, p. 803, 840 (Tennemann's Hist. of Philosophy, transl. Lond. 1832. 8vo.).

THE third period of the Scholastic philosophy begins with two distinguished men, who boldly threw off all fetters, and struck out a new path for themselves. These were the Dominican Durand of St. Pourçain (de Sancto Porciano, from A. D. 1313 teacher of theology in Paris, then Magister S. Palatii, from 1326 Bishop of Meaux, † 1333, Doctor resolutissimus),¹ and the Franciscan William Occam

¹ His chief work is his *Opus super sententias Lombardi* (ed. Paris. 1508. Venet. 1571. fol.). How little regard he paid to mere names may be seen from Lib. I. Dist. III. P. II, Qu. 6: *Quod dicitur de intentione Aristotelis, dicendum, quod quicquid ipse intendenter, de quo non est tantum curandum, sicut de veritate, tamen, etc.* He leaned decidedly to Nominalism, see Tenneman, Bd. 8 zweyte Hälfte. S. 805.— Though first a zealous Thomist, he afterwards differed from Thomas in many particulars, comp. *Durandi de s. Porciano temerariae opinione, quae in scholis communiter improbantur in d'Argentré collectio judiciorum de novis erroribus*, T. I. p. 330. Namely, in his views of the sacraments. Thus Lib. IV. Dist. I. Qu. 4: *Utrum in sacramentis novæ legis sit aliqua virtus inhærens causativa gratiæ, etc.?* — *Alia opinio est antiqua et sine calumnia, et magis, ut mihi videtur, consonat dictis Sanctorum, scil. quod in sacramentis non est aliqua virtus causativa gratiæ; — sed sunt causa, sine qua non consertur gratia; quia ex divina pactione vel ordinatione sic fit, quod recipiens sacramentum recipit gratiam, nisi ponat obicem; recipit gratiam non a Sacramento, sed a Deo.* Lib. IV. Dist. 4, Qu. 1: *Utrum character sit aliquid in anima?* — *Character non est aliqua natura absoluta, sed est sola relatio rationis, per quam ex institutione vel pactione divina deputatur aliquis ad sacras actiones.* Quod declaratur sic: *Sicut nummus sortitur rationem pretii, et merellus rationem signi ex humana institutione, sic res naturales sortiuntur rationem Sacramenti, et homo rationem Ministri ex divina institutione, etc.* — Cum scriptum sit *Eccles. 24 Qui elucidant me, vitam æternam habebunt;* ad ea quæ sunt fidei, cum sint satis obscura de se, non est conveniens adducere vias obscuras, et quæ plus habent obscuritatis et difficultatis, quam principale propositum. Comp. on the foregoing subjects the doctrine of Thomas in § 77, note 17. — Lib. IV. Dist. 11, Qu. 1, on the transubstantiation: *salvo meliori judicio potest aestimari, quod si in isto sacramento fiat conversio substantiae panis in corpus Christi, quod ipsa fit per hoc quod corrupta forma panis, materia ejus sit sub forma corporis Christi subito et virtute divina, sicut materia aliamenti fit sub forma nutriti virtute naturæ.* — *Prædictus autem modus conversionis substantie panis in corpus Christi constat, quod est possibilis: alias autem modus, qui communius tenetur, est inintelligibilis; nec unus istorum est inagis per ecclesiam approbatus vel reprobata.*

(teacher of theology at Paris, from A. D. 1322 Provincial of his order in England, from 1328 with Lewis of Bavaria, † 1347, Doctor singularis et invincibilis; Venerabilis inceptor).² The latter in particular, as undannted in attacking the prejudices of the philosophers as the usurpations of the popes,³ brought about a great epoch in the history of Scholastic philosophy by reviving the already forgotten doctrines of the Nominalists.⁴ His followers, Occamists, soon laid themselves

tus, quam alias. Nec omnes difficultates fidei difficultatibus superaddere, quin potius juxta documentum scripturae conandum est obscuritates elucidare. Lib. IV. Dist. 26, Qu. 3: *An matrimonium sit sacramentum?* — Tenendum est absolute, quod matrimonium est sacramentum, eum hoc determinet Ecclesia *Extra de hæret. ad abolendam* (Deer. Greg. V. 7, 9). — Sunt alia duo circa matrimonium, circa quae sine periculo hæresis licitum est contraria opinari: quorum unum est theologicum, videlicet utrum in matrimonio conferatur gratia ex opere operato, sicut in aliis sacramentis novæ legis; secundum est logicum, videlicet utrum matrimonium habeat plenam univocationem cum aliis sacramentis. Quantum ad primum aliter opinantur Jurista, et aliter Theologi: Jurista enim, qui noverunt textum decretorum et decretalium, — et aliqui eorum fuerunt de collegio Cardinalium s. Romanæ Ecclesiæ, tenent quod in sacramento matrimonii non conferatur gratia. — Quorum opinio an sit vera an falsa, — non determino quoad præsens: sed solum hoc accipio tanquam verum, quod cum prædicti doctores noverint jura canonica, et eorum scripta et dicta habeantur a Papa et Cardinalibus, — quorum est specialiter scire, quid Ecclesia Romana prædicat et observat, nec scripta eorum, quoad prædictum articulum de matrimonio reprobentur tanquam erronea; — quod sentire, quod per sacramentum matrimonii non conferatur gratia, non est contra determinationem ecclesiæ, nec contra id, quod Romana Ecclesia prædicat et observat. — Huic etiam opinioni consentit Magister sententiæ, — Moderni autem theologi quasi communiter tenent, quod per sacramentum matrimonii conferatur gratia (comp. above, § 77, note 17). To the second question, utrum matrimonium habeat perfectam univocationem cum aliis sacramentis, he answers, that according to the prior et communior definitio sacramenti, quod sacramentum est sacrae rei signum marriage is certainly a sacrament: est enim signum sacrae rei, id est conjunctionis Christi et ecclesiæ; with the difference, it is true, that in aliis sacramentis res sacra, cuius sunt signum, non solum est significata, sed et contenta; in matrimonio autem res sacra, cuius est signum, est solum significata, non contenta. But when the sacrament is defined as aliquod signum corporale vel sensibile extrinsecus homini appositum ad effectum sanctificationis spiritualis; quantum ad hoc matrimonium non videtur habere perfectam univocationem cum sacramentis novæ legis. — The result: matrimonium non est sacramentum stricte et proprio dictum, sicut alia sacramenta novæ legis, but they sacrae rei signum, and therefore largo modo sacramentum.

² The most important of his theological works is the *Quæstiones super IV. libros Sententiarum*, ed. Lugduni, 1495. fol., to which edition his *Centilogium theologicum* theologiam speculativam sub centum conclusionibus complectens is appended. Occam has likewise left various philosophic works, see above, § 97, notes 12 and 18.

³ See what he says with reference to his teacher, Duns Scotus, in the *Prologus ad lib. I. Sentent. Qu. I.* Having cited him in support of an assertion, he adds: *Et si dicatur, quod alibi ponat oppoſitum, parum me movet: quia ego non allego eum tanquam auctorem, nec dico prædictam opinionem, quia ipse eam ponit, sed quod reputo veram: et ideo si alibi dixit oppositum, non curo.*

⁴ See especially in *Sent. lib. I. Dist. 2, Qu. 4–8.* Especially Qu. 4. Of the notion of the Realists, quod quolibet universale univocum est quædam res extrinsecus extra animam realiter in quolibet et singulariter, distincta realiter a singulari, et a quolibet alio universalis, ita quod homo universalis est una vera res extra animam existens realiter in quolibet homine, et distinguitur realiter a quolibet homine, he says here: *Ista opinio est simpliciter falsa et absurdâ. Nulla una res, numero non variata nec multiplicata, est in pluribus suppositis vel singularibus: — sed talis*

open to censure by their paradoxical assertions,⁵ and hence at Paris Nominalism was strictly forbidden.⁶ Still its adherents imperceptibly got the advantage, and at the end of the 14th century were the prevailing party. In other places, however, their doctrines were still violently opposed,⁷ and at Prague they were actually driven from the city in the year 1408.⁸

The third period of the Scholastic theology is characterized by the violence of the disputes between the different parties, especially between the Nominalists and the Realists. This controversy had the effect of drawing attention almost exclusively to the philosophical definitions of theology, in which the Nominalists found a safe field for the gratification of the love of paradox, which had grown out of their desire to imitate the originality of their leader. Thus this age is distinguished by unfruitful quibbles on abstract points,⁹ whilst the

res si poneretur, esset una numero, ergo non esset in pluribus singularibus, nec de essentia illorum. — Qu. 8 : Universale non est aliquid, reale habens esse subjectivum, nec in anima nec extra animam. Sed tamen habet esse objectivum in anima, et est quoddam fictum habens esse tale in esse objectivo, quale habet res extra in esse subjectivo. Et hoc per istum modum, quod intellectus videns aliquam rem extra animam, fingit consimilem rem in mente, ita quod, si haberet virtutem productivam, talen rem in esse subjectivo, numero distinctam a priori produceret extra. — Universale est exemplar et indifferenter respiciens omnia singularia extra : et ita isto modo universale non est per generationem sed per abstractionem, quae non est nisi fictio quædam. Comp. Tiedemann, Bd. 5, S. 168. Tennemann, Bd. 8, S. 846.

⁵ Comp. *Errores Joannis de Mercuria Ord. Cist.* which were condemned A. D. 1347, in *Bulæi hist. Univ. Paris*, T. IV. p. 298. *D'Argentré collect. judiciorum*, T. I. p. 342; and *Errores Nicolai de Ultricuria*, condemned A. D. 1348, in *Bulæus* I. c. p. 308, and *d'Argentré*, I. c. p. 355. The last maintained, amongst other things, the remarkable propositions : Quod de rebus per apparentia naturalia quasi nulla certitudo potest haberi. Illa tamen modica potest haberi in modico tempore vel brevi, si homines convertant intellectum suum ad res, et non ad intellectum dictorum Aristotelis et sui Commentatorum. — Miratur, quod aliqui student in Aristotele et Commentatore usque ad decrepitam senectutem, et propter eorum sermones logicos deserunt res morales et curam boni communis ; in tantum quod cum exsurrexit amicus veritatis, et fecit sonare tubam suam, ut dormientes a somno excitaret, contristati sunt valde, et quasi armati ad capitale prælium contra eum irruerunt.

⁶ In Paris, Occam's pupil, John Buridan (in 1327 rector of the university), succeeded him as the zealous advocate of Nominalism, see Tennemann, I. c. S. 914. In reference to him, though without mentioning any name, the *Facultas Artium* A. D. 1339, forbade the doctrinam Guilichini dicti Ockam, with the threat against any one who should continue to teach it : ipsum a lectura per annum privamus (see *Bulæus* IV. p. 257. *D'Argentré*, I. p. 337). A new prohibition appeared A. D. 1340 (in *Bulæus* IV. p. 265. *D'Argentré* I. p. 338) against the new doctrine, e. g. : quod nulli Magistri — audeant aliquam propositionem famosam illius auctoris, cuius librum legent, dicere simpliciter esse falsam, vel esse falsam de virtute sermonis, si crediderint, quod auctor posuerit, aut ponendo illam habuerit verum intellectum ; sed vel concedant eam, vel sensum verum dividant a sensu falso, quia pari ratione propositiones Bibliae absoluto sermone essent negandæ, quod est periculosum.

⁷ Thus in Oxford, see *A. Wood hist. et antiqu. Univ. Oxon.* p. 169.

⁸ In this case the enmity between the sects was increased by national hatred. The victorious Bohemians were Realists, the vanquished Germans Nominalists. See *Æneæ Sylvii hist. Bohemica*, c. 35.

⁹ *Jo. Gersonii Epist. altera de reform. Theologiæ* (Opp. ed. du Pin I. p. 122) :

In facultate Theologiæ videtur esse necessaria reformatio super sequentibus inter

more practical parts of theology were so little objects of attention, that even the doctrine of Predestination taught by Thomas Bradwardine (A. D. 1325 teacher of theology in Oxford, 1348 Archbishop of Canterbury, † 1349, Doctor profundus),¹⁰ which at any other time

cætera. Primo, ne tractentur ita communiter doctrinæ inutiles sine fructu et soliditate, quoniam per eas doctrinæ ad salutem necessariae et utiles deseruntur. Nesciunt necessaria, quia supervacua didicerunt, inquit Seneca. Secundo per eas studentes sedueuntur, qui scilicet putant illos principaliter esse Theologos, qui talibus se dant, spreta Biblia et aliis Doctoribus. Tertio per eas termini a ss. Patribus usitati transmutantur. — Quarto per eas Theologi ab aliis Facultatibus irridentur. Nam ideo appellantur phantastici, et dicuntur nihil scire de solida veritate, et moralibus et Biblia. Quinto per eas via errorum multiplicies aperiuntur. — Sexto per eas Ecclesia et fides neque intus neque foris adificantur. — Tales nunc currunt propositiones ex talibus doctrinis: Infinite sunt durationes in divinis, secundum prius et posterius, quamvis æternæ. Et ita de mensura. Spiritus Sanctus libere, contradictorie, contingenter producitur ex parte principii quo. In divinis est absolute potentialitas ad non esse Spiritus Sancti. Producere Filium in divinis, ut sic, nihil est, etc. — Item monendi videntur Magistri nostri, — quod materiæ secundi, tertii et quarti Sententiarum magis tractarentur (*quia vix legitur nisi primus, occupando tempus in præmissis doctrinis*) et similiter Biblia. Et pro honore Dei attendatur diligenter, quanta est necessitas pro instructione populorum, et pro resolutione materiarum moralium temporibus nostris. Et tunc credendum est, quod in tanta angustia temporis, et inter tot animarum pericula non multum placebit ludere, ne dicam phantasiari circa ea quæ prorsus supervacua sunt.

¹⁰ De Causa Dei adv. Pelagium, libb. III. ed. *H. Savilius*. Lond. 1618. fol. The preface contains a complaint against the theologians of his time: Ecce enim, — sicut olim contra unicum Dei Prophetam octingenti et quinquaginta Prophetæ Baal; — ita et hodie in hæca causa, quot, Domine, hodie cum Pelagio pro libero arbitrio contra gratuitam gratiam tuam pugnant, et contra Paulum pugilem gratiæ spiritualem? Quot etiam hodie gratiam tuam fastidiunt, solumque liberum arbitrium ad salutem sufficere stomachantur? aut si gratia utatur vel perfunctorie, necessariam eam simulant, ipsamque se jactant liberi sui arbitrii viribus promerri, ut sic saltem nequaquam gratuita sed vendita videatur? — Non enim vententur astruere, suam voluntatem in actione communi praेire ut dominam, tuam subsequi ut ancillam. — Totus pæne mundus post Pelagium abiit in errorem. Exurge igitur Domine, judica causam tuam. Bradwardine goes so far beyond Augustine, that he maintains, lib. III. c. 2: Deus quodammodo necessitat quantilibet voluntatem creatañ ad quemlibet liberum actum suum, ad quainlibet etiam liberam cessationem et vacationem ab actu, et hoc necessitate naturaliter præcedente. — Videlicet universaliter omnis effectus a quoconque agente rationali vel irrationali et libero producitur hoc modo, quod posito suo agente cum omnibus suis dispositionibus sufficientibus naturaliter præviis quibus illum producit, necessario et indefectibiliter sequitur ipsum produci, et producitur ex necessitate naturaliter præcedente. — *Corollarium*: Unde consequitur evidenter, quod aliqualis necessitas antecedens et libertas ac merita non repugnant, et quod nulla causa inferior, sed tantum superior, scil. Dei voluntas, est necessitas antecedens, et quod omnia quæ sunt, fiunt et eveniunt, sunt, fiunt et eveniunt de aliqua necessitate ipsa naturaliter præcedente. cf. *d'Argentré* collect. *Judiciorum de novis erroribus*, T. I. p. 323. Of some of Bradwardine's followers and opponents, ibid. p. 323. Albert, bishop of Halberstadt, appears to have been one of the former, on which account Gregory XI. ordered an inquisition to be made concerning him (*Raynald*, ann. 1372, no. 33). According to the Pope's letter his doctrine was, quod omnia in hoc mundo ex necessitate eveniunt, et quod fataliter homini vita ac mortis necessitatem imponunt, et quod non est habendum consilium, nec deliberandum de aliquo, cum omnes actus hominum, etiam a libero arbitrio procedentes, noscantur ex necessitate cœlestis influentia provenire. This doctrine is stated to have had the consequence already, nonnulli etiam nobiles et alii de partibus illis, — per hæc putantes tolli merita et demerita, incipiunt omittere invocationem divini auxillii et sanctorum, nonnullaque alia opera pietatis, etc.

would have set all in a flame, was but little noticed. At the end of this century, some of the most distinguished men, John Charlier de Gerson (from A. D. 1381 teacher at Paris, 1395 Chancellor of the University, † 1429 in Lyons, Doctor Christianissimus),¹¹ and Nicolas de Clamenge (Artist, 1393 Rector in Paris, the private secretary of Benedict XIII., lived in retirement from the year 1408, and died before 1440),¹² were themselves aware how unfruitful the theological controversies of the time must be for the church, and already proposed a reform.¹³

¹¹ His life in *v. d. Hardt* Conc. Const. T. I. P. IV. p. 26. He has left a multitude of small writings and discourses of a theological, moral, and ascetic character, amongst which are many occasional writings; best collection by *Lud. Ellies du Pin*. Antwerp (Amsterdam). 1706. 5 voll. fol.

¹² His life in *v. d. Hardt*, l. c. T. I. P. II. p. 71. His writings refer chiefly to the faults, and the reformation of the morals, and the ecclesiastical discipline of the time; ed. *Jo. Mart. Lydius*. Lugd. Bat. 1613. 4to. Several of them were published at a later date by *Herm. v. d. Hardt*. in the Cone. Const. and others.

¹³ *Jo. Gerson* Epist. duæ de reform. theol. comp. note 9, above. *Nicol. de Clamengis* lib. de studio theologiæ in *d'Achery Spicil.* T. I. p. 473. c. g. p. 476: Miror Theologos nostri temporis paginas divinorum Testamentorum ita negligenter legere, et nescio quarum satis sterilium subtilitatum indagine sua ingenia contare, utque verbis utar Apostolicis, *languere circa quæstiones et pugnas verborum* (1 Tim. vi. 4), quod Sophistarum est, non Theologorum. — Solebant antiqui Patres et Theologi, quorum per Ecclesiam sunt approbata scripta, nihil dicere vel astruere, nisi quod Scripturarum testimonio posset confirmari: unde et Hieronymus ait: *Quod de scripturis sacris non habet auctoritatem, eadem facilitate contemnitur qua probotur.* Rectissime plane illi quidem, quoniam in his, quæ divina sunt, nihil debemus temere definire, nisi ex celestibus possit oraculis approbari: quæ divinitus enuntiata de his, quæ scitu de Deo sunt necessaria aut ad salutem oportuna, si diligenter investigarentur, nos sufficienter instruunt. — Nunc autem plerosque videmus scholasticos sacrarum inconcussa testimonia literarum tam tenuis estimare momenti, ut ratiocinationem ab auctoritate ductam velut inertem et minime acutam sibilo ac subsannatione irrideant, quasi sint majoris ponderis, quæ phantasia humanae imaginationis adinvenit, quam quæ divinitas celitus aperuit, eum, teste Apostolo, *omnis scriptura divinitus inspirata utilis sit ad docendum, ad arguendum*, etc. (1 Tim. iii. 16): ad quæ illa sunt parum utilia, in quibus hodie plurimi exercentur, quæ licet intellectum uteumque acuant, nullo tamen igne succendent affectum, nullo motu excitant, nullo alimento pascunt, sed frigidum, torpentem, aridum relinquent. Inde est, quod ad prædicandum tardi adeo et ignavi sunt, quia scientiam ad hoc utilem minime didicierunt, supervacuisque occupati utilia et necessaria omiserunt. Illa est vera scientia, quæ Theologum deceat, quamque omnis debet Theologus expetere, quæ non modo intellectum instruat, sed infundat simul atque inbuat affectum. — Non ergo theologico det eo fine operam studio, ut theologiam sciatur, hoc enim quædam curiositas est; non ut vulgi favorem aut plausum populi sibi per hoc acquirat, quia ventus inanis est; — non ut ad honores et dignitates perinde promoveatur, quia ambitio est; — sed ea mente ac proposito theologiæ aggrediatur studium, ut de talento doctrinæ sibi divinitus commisso, fideliter Deo serviendo, secum ad salutem æternam quoquaque poterit perducatur ac lucifaciatur, etc.

§ 114.

MYSTIC THEOLOGY.

Gofr. Arnoldi historia et descriptio theologica mysticæ. Francof. 1702. 8vo.

Scholastic theology having thus ceased to have any connexion with religious feeling, it was natural enough, on the other hand, that that form of religion which appealed wholly to the feelings, *Mysticism*, should likewise be cultivated to the exclusion of every thing else. Amongst the *Mystics* of the time we may notice the Dominican John Tauler of Strasburg (*Theologus sublimis et illuminatus*, † A. D. 1361),¹ distinguished as a widely influential preacher.² Another preacher, scarcely less distinguished, was Henry Suso of Ulm († 1365).³ But more famous than either amongst the *Mystics* of all ages is John Ruysbroeck, prior of the regular canons in Gruenthal in Brabant (*Doctor ecstaticus*, † A. D. 1381),⁴ of all the *Mystics* the most dreamy and enthusiastic.⁵ John Gerson, on the other hand,

¹ He has left numerous short works of an ascetic character, amongst which the most remarkable is the *Nachfolge des armen Lebens Christi*. His sermons have been very often translated into various German dialects, and published in the latest form, Frankf. A. M. 1826. 3 Th. 8vo. See the account of Tauler's life and writings prefixed to this edition. The *Historie des ehrw. Doctors Joh. Taulers*, professedly by himself, which is prefixed to his sermons, is only an account of his conversion. Comp. Bayle Dict. s. v. Tauler. Oberlin diss. de J. Tauleri dictione vernacula et mystica, Argentor. 1786. 4to. Of Tauler's mysticism, see de Wette christl. Sittenlehre, Th. 2, zweyte Hälfe, S. 220 ff.

² Many of his hearers were so affected by his preaching that they fell down senseless, see the *Historie des ehrw. D. Taulers*, cap. 10, 11.

³ *Henrici Susonis* Opp. e suevico idiomate latine translata per Laur. Surium Colon. 1555. 8vo. The *Vita Susonis*, ibid. p. 435, is an account of his conversion, written by a pious lady, and edited by himself. cf. *Quetif* et *Echard* Script. Ord. Prædicat. T. I. p. 653 seq.

⁴ *Jo. Rusbrochii* Opp. e Brabantiae germanico idiomate redditæ latine per Laur. Surium, Colon. 1552. fol. The life of Ruysbroeck prefixed (p. 1 seq.), was written by a *Canonicus regularis*, soon after his death, some verbal alterations only having been made by Surius.

⁵ Comp. his visions: for instance, what he said to his visiter, Gerhard Groot (*Vita Rusbr.* c. 8): Magister Gerarde, certum ac firmum habeto, nullum me unquam verbum scriptis meis inseruisse, nisi ex instinctu Spiritus Sancti, et in singulare quadam ac dulcissima præsentia supersanctissimæ Trinitatis. Quæ verba fratres quidam, etiamnum superstites, ferunt se ex ore sancti viri, testamenti loco extremis vita ejus temporibus accepisse. Comp. *Jo. Gersonii* Epist. ad fr. Bartholom. Carthusiensem super tertia parte libri *Jo. Ruysbroeck de ornato spiritualium nuptiarum* (Opp. ed. du Pin I. p. 59): His general view of the work: compere multa ibidem tradi salubria et alta documenta. But tertia pars ejusdem libri prorsus repudianda rescindenda est, because it is there taught, quod anima perfecte contemplans Deum non solum videt eum per claritatem, quæ est divina essentia, sed est ipsam claritas divina. Imaginatur enim,— quod anima tunc desinit esse in illa existentia quam prius habuit in proprio genere, et convertitur seu transformatur et absorbetur in esse divinum, etc. (The words, p. 62: Erat autem de secta Begardorum, which must be referred to Ruysbroeck, ought undoubtedly to read, Erant autem de s. B. namely they, quorum aliquos ipse Auctor juste reprehendit, etc.) Gerson was answered by the *canonicus Jo. de Schoenha-*

felt both the excellencies and the dangers of mysticism, and taught both by precept and example, how it might be united with religious speculation in such a manner, that each should supply the defects of the other; enforcing always the precept, that mysticism must be guided by knowledge.⁶ Towards the end of the 14th century a practical and beneficial mysticism was introduced by the *Brethren of Common Life*,⁷ and by their means exercised a wide influence amongst the inhabitants of the German provinces.

§ 115.

HISTORY OF THE OTHER THEOLOGICAL SCIENCES.

Casuistry continued to be a subject of zealous study. To the old

via, in defence of Ruysbroeck (*ibid.* p. 63), to which Gerson, however, soon replied (*I. c.* p. 78). Of Ruysbroeck's doctrine, see *de Wette Sittenlehre*, Th. 2, zweyte Hälfte, S. 237 ff.

⁶ Gerson's writings are found in Opp. ed. *du Pin*, T. III. He gives a theory of mystic theology in his *Considerationes de myst. theol.* *ibid.* p. 361. Of its relation to speculative theology, see Consid. I: *Aliqua est theologia mystica ultra eam, quae vel symbolica vel propria nominatur.* Ita enim separate tractavit de ea sub proprio titulo b. Dionysius a consilio divinorum secretorum Paulo doctus. *Cum enim scripsisset de theologia symbolica, quae utitur corporeis similitudinibus translati ad Deum, ut quod est leo, lux, agnus, lapis et similia;* — *cum præterea tradidisset theologiam propriam, per quam ex affectibus repertis in creaturis, præsertim perfectioribus, ad extra, consurgitus ad affirmandum aliqua de Deo, ut quod est ens et vita, a quo omnibus derivatum est esse et vivere:* tandem addidit modum inveniendi Deum perfectiore*em ceteris quo per abnegationem et per excessus mentales tanquam in divina caligine videatur. Deus, hoc est in occulto et in abscondito:* — *propterea hic liber intitulatur de theologia mystica: mysticum autem interpretatur absconditum.* — Consid. II.: *Theologia mystica innititur ad sui doctrinam experiendi habitus ad intra, in cordibus animarum devotarum: sicut alia duplex theologia ex his procedit, quæ extrinsecus ostenduntur.* — Consid. VIII.: *Expedit scholasticos viros etiam devotionis expertes in scripturis devotis theologiae mystica diligenter exerceri, dummodo erendant eis.* Hoc ideo dicitur, quia quis novit, si tandem ipsis ex familiari tali colloctione aggernerabitur, ut solet, quidam amor et ardor experiendi ea, que sola interim fide tenent, et quæ docta ratiocinatione conferunt ad invicem. — Rursus aliis fructus est pro illis, quos prædicatio sumpta ab hujusmodi doctrina poterit accendere ad amorem Dei jam præconceptum, remanente etiam frigido pectore ejus, qui loquitur. — Denique comperit, multos habere devotionem, sed non secundum scientiam, quales procul dubio pronissimi sunt ad errores, etiam supra inde votos, si non regulaverint affectus suos ad normam legis Christi, si præterea capití proprio, propiæ scilicet prudentiæ, inhaserint, spreto aliorum consilio. Hoc in Begardis et Turelupinis manifestum fecit experientia. — Propterea necesse est pro argutione, aut direccione talium esse viros studiosos in libris corum, qui devotionem habuerunt secundum scientiam. Eos nihilominus commonitos vellin, ne citius debito damnare præsumant personas votatas, simplices in suis affectibus admirandis, ubi nihil adversum vel fidei vel bonis moribus palam inveniunt; sed aut venerentur incognita sub silentio, suspensam tenentes sententiam, aut consilio peritiorum examinanda remittant. Peritiores autem sunt, quos utraque instructio reddit ornatos; una intellectus, et affectus altera, quales fuerunt Augustinus, Hugo, s. Thomas, Bonaventura, Guillielmus Parisiensis, et ceterorum admodum pauci; cuius raritatis causam inferius afferre conabimur. Comp. *de Wette*, *I. c.* S. 251 ff. *J. G. V. Engelhardt* comm. *de Gersonio mystico Partie. II.* Erlang. 1822 — 23. 4to.

⁷ See above, § 112, notes 6 and 7. .

text-book of this study, the *Summa Raymundia* (§ 76, note 7), were now added the work of the Minorite Astesanus († 1330 *Summa Astesana*),¹ and that of the Dominican Bartholomew de St. Concordia in Pisa († 1347 *Summa Bartholina*, *Pisanella* or *Magistruccia*).² The study of ethics was but little attended to, and only as connected with the study of canonical law and clerical rights. Scarcely any thing was done for the *science* of ethics.³ The fondness of the Schoolmen for quibbling, and defending any opinion they might happen to take up, proved pernicious in the highest degree to the interests of morality. The consequences are best seen in the controversies called forth by the murder of the duke of Orleans at the instigation of the Duke of Burgundy, 23 Nov. 1407.⁴ In justification of this deed the Franciscan John Parvus (Jean Petit, Doctor theol. at Paris, † 1411) maintained that to murder a tyrant was a lawful deed.⁵ And though this work was condemned by the bishop of Paris after the family of Orleans had regained the ascendancy (A. D. 1414),⁶ yet when the Duke of Burgundy brought the matter before the Council of Constance, it was seen that the hierarchy were by no means so watchful in questions of morals, as of doc-

¹ Printed nine times in the fifteenth century, *Fabricii Bibl. med. et inf. Latin.* T. I. p. 145.

² Printed several times in the fifteenth century, *Quetif et Echard Scriptt. Ord. Prædicat.* T. I. p. 623. *Fabric.* l. c. p. 177.

³ Concerning *Gerson's* ethical writings in his Opp. ed. du Pin. T. III. see Schröckh, Th. 34. S. 241.

⁴ All the authorities on this subject are collected in *Gersonii Opp. ed. du Pin.* T. V. The narrative is from the chronicle of *Enguerrant de Monstrelet*, ibid. p. 3 seq.

⁵ See his *Justificatio Ducis Burgundiaæ recitata d. 8 Mart 1408 coram Rege*, l. c. p. 15. He arranges his views in VIII veritates: I. Omnis subditus et vasallus, qui — machinatur contra salutem corporalem sui Regis, — dignus est duplicitate, scil. prima et secunda. II. plus puniendus est miles, quam simplex subditus in hoc casu, Baro quam simplex miles, etc. III. In casu supradicto licitum est euilibet subdito sine quocumque mandato vel præcepto, secundum leges naturalem, moralem et divinam, occidere et facere occidi ipsum proditori et infidelem tyrannum, et non modo licitum, sed honorabile ac meritorium, præcipue quando est adeo potens, quod justitia non potest bono modo fieri per superiorem. He rests this ob reverentiam XII Apostolorum on 12 grounds, namely, three theological authorities, that of St. Thomas, of John of Salisbury, and various others, with three philosophical authorities, that of Aristotle, Cicero, and Boccacio, with three proofs from civil laws, and three examples from the Scriptures. IV. In casu supradicto honorabilius est, magis licitum et meritorium, quod ipse infidelis tyrannus occidatur per unum consanguineum et subditum Regis, quam per extraneum, qui non esset de sanguine regis; et per Dueum, quam per Comitem, etc. VII. In casu supradicto unicuique licitum est, honestum et meritorium occidere et facere occidi supradictum tyrannum per insidias, cautelas et explorationes, et etiam licitum est dissimulare et tacere suam voluntatem. He then accuses the duke of Orleans with having practised magical arts on the king, given him poison, having been guilty of treachery, and finally concludes, quod dictus Dominus Burgundiae in nullo debet culpari, vel redargui de casu qui accidit in persona dicti eriminoi defuncti Ducis Aurelianensis, et quod Dominus Rex non solum debet contentari, sed etiam debet habere præfatum Dominum Burgundiaæ acceptum, et suum factum autorisare, quando opus est.

⁶ The Acta, l. c. p. 49–342. See the *Sententia*, in which nine assertiones from the work of *John Parvus* are condemned, p. 322 seq.

trine. Whilst the true moral view was boldly advocated by the undaunted Gerson in opposition to the sophisms of the Mendicant monks,⁷ the council did not venture to decide definitely for either. It condemned indeed the doctrine of the murder of tyrants, but not the work itself of Jean Petit,⁸ and declared the decision of the bishop

⁷ The Dominican, Martin Porree, bishop of Arras, petitioned the council as the plenipotentiary of the duke of Burgundy (l. c. p. 358) : *Sententia Episc. Parisiensis et Inquisitoris Franciae, quæ de jure est nulla, — adnulletur: — tam veritates Parvi, quam assertiones per Johannem de Gersono eidem Parvo falso impositas, in sua probabilitate relinquendo.* Namely, p. 360: *dictæ assertiones non sunt erroneæ condemnandæ, eo quod de earum possibilitate sine evidenti contradictione fidei sacræ scripturæ et honorum morum sunt opiniones graves magnorum Doctorum eas asserentium probabiles, ut præfertur, testimonio Scripturarum naturalium, moralium et divinarum.* Compare *Scriptum Episc. Atrebatis* dd. 11 Oct. 1415 (*ibid.* p. 391) : *Si novæ assertiones pertineant ad fidem, secundum intentionem Joannis Gerson, qua temeritate condemnavit eos Episcopus Parisiensis, cum sciret aut seire deberet, quod hujusmodi materiae fidei declaratio et definitio, ac novorum articulorum fidei ordinatio ad s. Sedem apostolicam, aut sacrum Concilium generale [pertinere] dignoscitur? — Si vero non pertineant ad fidem, sicut nec pertinent de facto ante determinationem Ecclesie; quare eas condemnavit, oppositas ipsarum mandando teneri sub fide? Numquid non haereticum est, mandare aliquid sub fide esse tenendum, quod non est fides?* Gerson on the other hand (*ibid.* p. 391) : *dico affirmativæ, quod hæc novæ assertiones exhibitæ sunt judicio fidei reprobandaæ per hoc sacrum Concilium, et quod jam nimis tardatum est.* In defence of the bishop of Paris, he advocates the principle of the Sorbonne (p. 408), *quod ad Episcopos catholicos pertinet, auctoritate inferiori et subordinata circa ea quæ sunt fidei judicialiter definire* (see below, § 116, note 8).

⁸ *Sessio gen. XV. d. 6 Jul. 1415* (in v. d. *Hardt Cone. Const. T. IV.* p. 439) : *Synodus — nuper accepit, quod nonnullæ assertiones erroreæ in fide et bonis moribus — dogmatisatae sunt. Inter quas hæc assertio delata est: Quilibet tyran-nus potest et debet licite et meritorie occidi per quemcumque Vasallum suum vel subditum, etiam per insidias et blanditiæ rel adulationes, non obstante quo-cunque juramento seu confederatione facta cum eo, non expectata sententia vel mandato judicis cuiuscumque.* Adversus hunc errorem satagens hæc sancta synodas insurgere, — declarat, decernit et definit, hujusmodi doctrinam erroneous esse in fide et moribus, ipsamque tanquam haereticam, scandalosam, seditiosam, et ad fraudes, deceptions, mendacia, proditiones, perjuria vias dantem reprobat et condemnat. Declarat insuper, — quod pertinaciter doctrinam hanc pernitosissimam asserentes sunt haeretici, etc. Even this decree was forced from them, however, by the emperor Sigismund, see *Jo. Gersonii dialog. apologeticus* (Opp. II. p. 387), in particular the letter of a companion of the bishop of Arras to a friend in Paris, in *Bulæ hist. Univ. Paris. T. V.* p. 293: *Videns ipse Rex, quod non potuit obtinere conclusionem condemnationis dictarum IX assertiom, ut volet, licet sollicitaverit Judices quantum potuit per ejus præsentiam in judicio sæpissime et per nuncios et literas, dixit, quod nunquam iacet ad locum conventionis, videlicet Niciam, donec esset finis dicti processus.* Et quod plus est, ipse exivit civitatem Constantiæ per VIII dies, et juravit publice, ut dicebatur communiter, quod non rediret nisi prius expedito dicto processu. Quare oportuit pro satisfaciendo sibi, quod quedam alia propo.itiō vocata *Quilibet tyran-nus* — condemnata fuerit ad satisfaciendum dicto Regi, qui putabat, quod dicta propositiō esset una de contentis in propositione M. *Jo. Parvi*, et ita datum est sibi intelligi, et sub illo colore fuit condemnata ipso Rege præsente: unde gavisus est et omnes Adversarii, quod communiter dicebant ignorantes, quod propositiō Parvi fuerat condemnata. — Sed Deo laus. Post recessum dicti Regis Ambaxiatores (Ducis Burgundie) sunt securiores quam antea, et liberius tractaverunt materiam et processum cum bono consilio. — Speramus hic omnes habere bonum exitum et honorabilem in materia, quia totum Concilium vellet processum terminari ad bonam pacem et concordiam Ducis. — Et si non habeatur finis per concordiam, non ita citio habebitur per processum, quia adhuc sumus in principio, ut potestis considerare: quia restat adhuc probare

of Paris unauthorized.⁹ Soon after this there appeared a work of John of Falckenburg,¹⁰ proclaiming extermination, by whatever means, to the Poles and their king Jagello. Though disapproved by the majority of the council (A. D. 1417),¹¹ the Pope, swayed by his fears of the Teutonic order, and the duke of Burgundy, would not allow it to be formally condemned. Neither did he decide concerning the work of Jean Petit. Thus the Mendicant monks were left at liberty to defend their seditious principles as they chose.¹²

intentionem circa libellum exhibitum, et examinare dictas propositiones hinc inde, quæ non fient ita cito et sine magno discursu.

⁹ Judicium Deputatorum Concilii dd. 15 Jan. 1416, in *Gersonii Opp. T. V.* p. 500 seq.

¹⁰ This same person had before defended Jean Petit against Gerson and d'Ailly: see tres tractatus in *Gersonii Opp. T. V.* p. 1013 seq.

¹¹ *Jo. Dlugossi* (Canon. in Cracow about 1465) hist. Polonica. ed. Francof. 1711, fol. lib. XI. p. 376: The archbishop of Gnesen brought the work with him to Constance, and accused the author before the council. *Synodus sacra — prædictum libellum, ut falsum et erroneum, Joannem vero Falkenberg ejus auctorem, ut hæreticum, per definitivam sententiam damnavit, et perpetuis deputatis carcerebus.* Et in condemnationis præfatæ signum singuli Cardinales singillatim et omnes nationes sententiam predictam manibus propriis subscripserunt. The book was condemned (v. d. *Hardt Conc. Const. T. IV.* p. 1555), per judices in causa fidei a.s. Concilio deputatos, and it was decided by the college of cardinals, and in general council, quod idem libellus, tanquam hæreses et alia multa et quasi infinita mala et errores continens, in sessione publica per sacrosanctum concilium — publice damnaretur, seu publice damnatus nunciaretur. But even this solemn condemnation could not be maintained by Martin V., made Pope in Nov. 1417, *Dlugossus*, p. 386: Martinus P. V. prece incertum est an importunitate Cruciferorum de Prussia circumventus, sententiam damnationis Jo. Falkenberg — infirmare et moderari contendit, — quamvis, existens Cardinalis, se ei manu propria subscripserit. Of the contents of Falkenberg's book, we have nothing but what is preserved in the sentence of condemnation, written by a committee of the council, and in the name of the council, on the 4th of Jan. 1417 (see *Dlugossus*, p. 387). Its title was: *Satyra contra hæreses et cætera nefanda Polonorum et eorum Regis Jagyel fideliter conscripta*, and it was addressed universis Regibus et Principibus, cæterisque Praelatis sive Ecclesiasticis sive sæcularibus, et generaliter omnibus, qui Christiani nominis meruerunt insigniri titulo. Propositions extracted: quod Rex Polonorum, cum sit malus præsidens, est idolum, et omnes Poloni sunt idololatræ, et serviunt idolo suo Jagyel. Item dicit, quod Poloni, et eorum Rex sunt odibiles, hæretici, et impudici canes, reversi ad vonitum suæ infidelitatis. Et ergo securissime omnes, non solum Principes sæculi, verum etiam inferiores, qui ad Polonorum et eorum Regis exterminationem se accinxerint ex charitate, vitam merentur æternam. Item dicit, quod indubie Polonus et eorum Regem propter periculum, quod ab eis timetur Ecclesiæ futurum; etiam antequam dissidium faciant, cæteris parisibus, magis meritorum est occidere quam paganos. Item dicit, quod omni submoto dubio, belli certamine, quo pro defensione Christianorum suscepto Principes sæculi Polonus et eorum Regem occidunt, regna merentur cœlestia. — Item dicit, quod ex Principibus sæculi, qui sunt idonei et ratione et potestate Polonus et eorum Regem Jagyel reprimere, et permittunt eum in Christianos debacchari, supplicia merentur gehennæ, etc.

¹² They sought especially to prove by various sophisms, that the IX assertiones, note 6, were wholly distinct from the condemned *Quilibet tyrannus*, see the numerous controversial writings in *Gersonii Opp. T. V.* e. g. *Responsio Episc. Atrebatis*, ibid. p. 475: *credo et affirmo, quod nulla dictarum novem assertioneum est fidei iudicio reprobanda, nec aliqua illarum est condemnanda ex condemnatione illius propositionis Quilibet tyrannus: cum nullo modo sequatur ex aliqua illarum novem assertioneum, sed non ex omnibus simul, nec continent doctrinaliter illam*

The theologians of this period employed themselves in the study of the Scriptures even less than those of the preceding centuries had done. The appointment of teachers of the oriental languages, by Clement V. (1311),¹³ was wholly for the purpose of educating missionaries, and had no influence upon the study of the Scriptures. The biblical commentaries of the time are for the most part of little value. Almost the only one worth mentioning is that of the Franciscan Nicolaus de Lyra (teacher of theology at Paris, † 1340, Postillator),¹⁴ whose knowledge of the Hebrew enabled him to do something for the grammatical interpretation of the Old Testament.

vel virtualiter, nec in simili radice fundantur, quod patet. Non enim sequitur: Licitum est unicuique subdito, — occidere vel occidi facere quemlibet tyranum, qui per cupiditatem, fraudem, sortilegium, etc. Ergo quilibet tyranus, etc. Tum quia ibi arguitur a parte in modo, ad suum totum in modo, cum distributione: — tum quia ad mentem Assertionum a parte subjecti, unicuique subdito capitur pro vassallo immediate Regi subdito; et in illa Quilibet tyrannus capitur pro quoquaque, etiam subdito tyranno, sive subjecto, etc. He draws the conclusion, finally, *quod bane doctrinam asserentes opinabiliter, citra determinationem sacri Concilii Generalis, et s. Sedis Apostolicae, non sunt haeretici; — quod asserere — dictas Propositiones esse probabiles, aut forsan veras, non est erroneum, etc.*

¹³ Brought about through the influence of Raymundus Lullus, who was deeply interested in the conversion of the Mahometans. *Clementin.* Lib. V. Tit. I. c. 1: scholas in subscriptarum linguarum generibus, ubicunque Romanam curiam residere contigerit, necnon in Parisiensi et Oxon. Bonon. et Salamantino studiis providimus erigendas, statuentes, ut in quolibet locorum ipsorum teneantur viri catholici, sufficientem habentes Hebraicæ, Arabicæ et Chaldaicæ linguarum notitiam, duo videlicet uniuscujusque linguae periti, qui scholas regant inibi, et libros de linguis ipsis in latinum fideler transferentes, alios linguis ipsas sollicite doceant, — ut instructi et edocti sufficienter in linguis hujusmodi, fructum speratum possint Deo auctore producere, fidem propagaturi salubriter in ipsis populis infideles.

¹⁴ Of him *Wolfi* Biblioth. Hebr. I. p. 912; III. p. 838. *Mich. H. Reinhard* Pentas conatum sacrorum Lips. 1709. 8vo. p. 147. His chief work, *Postillæ perpetuæ in Biblia*, was first ed. Romæ, 1471. 5 voll. fol. best ed. cura *Fr. Feuardentii, Jo. Dadrei et Jac. de Cuilly*, Lugd. 1590; also in the Biblio glossatis. It is preceded by an essay de libris Bibliae canoniciis et non canoniciis. Quia sunt multi, qui ex eo quod non multam operam dant sacrae scripturae, existimant omnes libros, qui in biblia continentur, pari veneratione esse reverendos atque adorandos, nescientes distinguere inter libros canonicos et non canonicos, quos Hebrei inter apocrypha computant, unde saepe coram doctis ridiculi videntur: et perturbantur scandalizanturque, cum audiunt, aliquem non pari cum ceteris omnibus veneratione persequi aliquid, quod in biblia legatur: idcirco id distinximus, et distincte numeravimus, primo libros canonicos, et postea non canonicos, inter quos tantum distat, quantum inter certum et dubium. Nam canonici sunt confecti spiritu sancto dictante: non canonici autem sive apocryphi nescitur, quo tempore quibusve auctoribus sint editi, etc. He then enumerates the canonical and apocryphal books of the Old Testament, according to Jerome, and adopts the views taken by him and Rufinus of their relation to each other. Prologus I de commendatione sacrae scripturæ in generali, e. g. of the double sense: Habet tamen iste liber hoc speciale, quod una littera continet plures sensus. Cujus ratio est, quia principialis hujus libri auctor est ipse Deus, in cuius potestate est non solum ut vocibus ad aliquid significandum, — sed etiam rebus significatis per voces utitur ad significandum alias res. The fourfold sense is described in the following verse:

*Littera gesta docet, quid credas allegoria,
Moralis quid agas, quo tendas anagogia.*

Prologus II de intentione auctoris et modo procedendi: Omnes expositiones mysticæ præsupponunt sensum literalem tanquam fundamentum: propter quod sicut ædificium declinans a fundamento disponitur ad ruinam, sic exppositio mystica dis-

CHAPTER FIFTH.

HISTORY OF RITES AND CEREMONIES.

§ 116.

Two new festivals were now established in honor of the Virgin Mary, that of the Presentation (festum Presentationis, on the 21st Nov., instituted by Gregory XI. A. D. 1372),¹ and that of the Visitation (festum Visitacionis, on the 2d of July, instituted by Urban VI. A. D. 1389).² The doctrine of the immaculate conception of the Virgin was vehemently contested by the Dominicans, who to the revelations made to St. Birgitta in its favor³ opposed those made to

crepans a sensu literali reputanda est indecens et inepta, vel saltem minus decens, cæteris paribus, et minus apta. Et ideo volentibus proficere in studio saeræ scripturæ necessarium est incipere ab intellectu sensus litteralis: maxime cum ex solo sensu litterali et non ex mysticis possit argumentum fieri ad probationem vel declarationem alicujus dubii, secundum quod dicit Augustinus in Epist. contra Vincent. Donatistam. Ulterius considerandum, quod sensus litteralis — videtur multum obfuscatus diebus modernis, partim scriptorum vitio, qui propter similitudinem litterarum in multis locis aliter scripserunt, quam habeat veritas textus, partim imperitia aliquorum correctorum, qui in pluribus locis fecerunt puncta ubi non debent fieri, et versus incepérunt vel terminaverunt ubi non debent incipi et terminari, et per hoc sententia litteræ variatur, — partim ex modo translationis nostræ, quæ in multis locis aliter habet quam libri hebraici: — et tamen secundum Hieronymum — pro veritate litteræ habenda in scriptura veteris testamenti recurendum est ad codices Hebræorum. — Scindendum etiam, quod sensus litteralis est multum obumbratus propter modum exponendi communiter traditum ab aliis, qui licet multa bona dixerint, tamen parum tetigerunt litteralem sensum, et sensus mysticos in tantum multiplicaverunt, quod sensus litteralis inter tot expositiones mysticas interceptus, partim suffocatur. Item textum in tot particulas divisorunt, et tot concordantias ad suum propositum induxerunt, quod intellectum et memoria in parte confundunt, ab intellectu litteralis sensus animum distrahentes. Hæc igitur et similia vitare proponens cum Dei adjutorio intendo circa litteralem sensum insistere, et paucas valde et breves expositiones mysticas aliquando interponere, licet raro. Similiter intendo non solum dicta doctorum catholicorum, sed etiam hebraicorum, maxime *Rabbi Salomonis* (Jarchi oder Raschi, see above, § 76, note 9), qui inter doctores hebræos locutus est rationabilius, ad declarationem sensus litteralis inducere. — Postremo quia non sum ita peritus in lingua hebraica vel latina, quin in multis possim deficere; ideo protestor, quod nihil intendo dicere assertive seu determinative, nisi quantum ad ea, quæ manifeste determinata sunt per sacram scripturam vel ecclesiæ auctoritatem; cætera vero omnia accipiuntur tanquam scholastice et per modum exercitiū dicta: propter quod omnia dicta et dicenda suppono correctioni sanctæ matris Ecclesiæ, ac cuiuslibet sapientis, pium lectorem et charitativum flagitans correctorem.

¹ *J. A. Schmidii Prolusiones Marianæ X* (cum præf. *J. L. Mosheimii Helmst.* 1733. 4to.) p. 100 seq. *Augusti Denkwürdigkeiten*, Bd. 3. S. 107.

² *Schmid.* l. c. p. 111. *Augusti*, l. c. S. 88.

³ Of St. Birgitta, see above, § 111, note 4. *Birgittæ Revelationum Lib. V.* in fine, God reveals with regard to the Virgin: *De radice Adæ processit, et de peccatoribus nata est, licet sine peccato concepta, ut filius meus de ea sine peccato nascetur;* *Lib. VI. c. 49,* the Virgin: *Veritas est, quod ego concepta fui sine peccato originali, et non in peccato;* and *Cap. 55:* *Scito quod conceptio mea non*

their own Catharine of Siena⁴ against it. Still the festival of the immaculate conception was more and more widely adopted,⁵ and with it the doctrine. The exasperated Dominicans having begun to oppose this doctrine with increased fury in Paris A. D. 1384,⁶ both the populace and the university rose against them. The latter condemned the rejection of the doctrine of the immaculate conception as one of the heresies of the Dominican John of Montesono A. D. 1387.⁷ He appealed to the Pope,⁸ but the university prevailed here also (Jan.

omnibus nota fuit. — Placuit Deo, quod amici sui pie dubitarent de conceptione mea, et quilibet ostenderet zelum suum, donec veritas claresceret in tempore pra-ordinato.

⁴ Of whom see above, § 101, note 5. In the *Orationes XXII* ab ipsa in raptu et extasi ad Deum prolatæ, et a sibi assentib⁹ familiari⁹ exceptæ latinitat⁹ donatae we read *Orat. XVI* (the passage is wanting in the ed. of her works, Colon. 1553, but is cited as early as *Antoninus Summæ*, P. 1, T. 8. c. 2): *Datum est nobis verbum aeternum per manum Mariæ, et de substantia Mariæ induit naturam absque peccati originalis macula, et hoc, quia non hominis, sed Spiritus Sancti inspiratione facta est illa conceptio. Quod quidem non fuit sic in Maria, quia non processit ex massa Adæ operatione Spiritus Sancti, sed hominis: et quia tota illa massa erat putrida, non poterat nisi in putridam naturam anima illa infundi, nec poterat purgari, nisi per gratiam Spiritus Sancti, cuius quidem gratia non est subjectum susceptibile corporis, sed spiritus rationalis aut intellectualis, et idco non poterat Maria a macula illa purgari, nisi postquam anima infusa est corpori, quod quidem sic factum est propter reverentiam thesauri divini, qui in illo vase debebat reponi. Nam sicut fornax consumit guttam aquæ in modico tempore, sic facit Spiritus Sanctus de macula peccati originalis: nam post conceptionem ejus statim fuit ab illo peccato mundata, et gratia magna data. Tu scis, Domine, quia ista est veritas. See concerning these prophecies of both the saints *Wadding* legatio *Philippi III et IV ad Paulum P. V et Gregorium XV de definienda controv. immaculatae concept. b. Virg. Mariæ. Lovan. 1624. fol. p. 342 seq.**

⁵ At the Conc. Londin. ann. 1328. c. 2 (Mansi XXV. p. 829), it was decreed by the archbishop of Canterbury, that the festum conceptionis b. Virginis should in future be solemnly observed through the whole kingdom. In A. D. 1343, it was introduced by Baldwin, bishop of Paderborn, into his diocese (*Schaten Annales Paderborn*, L. XIII. p. 303). At the university of Paris, it was resolved on behalf of the French nation, A. D. 1380, quod a modo celebraretur festum conceptionis gloriosæ V. M. eodem modo, quo et alia festa solent celebrari (*Bulæus hist. Univ. Paris. T. I. p. 964*).

⁶ *Bulæus*, T. IV. p. 599.

⁷ On the whole controversy, see *Bulæus* IV. p. 618 seq., especially *d'Argentré collectio judiciorum*, T. I. P. II. p. 61 seq. The offensive propositions, with the censures of the theological faculty, see in *Bulæus*, p. 620; *d'Argentré*, p. 62: *Propositio X: Non omnes præter Christum contraxisse ab Adam peccatum originale est expresse contra fidem. Censure: Revocanda est tanquam falsa, scandalosa et piarum aurium offensiva, et præsumptuose asserta, non obstante probabilitate quæstionis, utrum b. Virgo fuerit in peccato originali concepta. Prop. XI: B. Virginem Mariam et Dei genitricem non contraxisse peccatum originale, est expresse contra fidem. Prop. XII: Tantum est contra sacram Scripturam, unum hominem esse exemptum a peccato originali præter Christum, sicut si decem homines de facto ponerentur exempti. Prop. XIII: Magis est expresse contra sacram Scripturam, b. Virginein non esse conceptam in peccato originali, quam asserere ipsam fuisse simul beatam et viaticem ab instanti suæ conceptionis vel sanctificationis. These propositions were condemned in a mass as *revocandæ tanquam falsæ, scandalosæ, præsumptuose assertæ, et piarum aurium offensivæ*.*

⁸ He complained, as appears from the work of his opponent, Petrus d'Alliaeo (*d'Argentré*, p. 82), 1. quia aliquæ conclusionum suarum trahuntur ex doctrina s.

1389), and after compelling many of the Dominicans to take back their offensive declarations against the hated doctrine,⁹ made the assent to the decision of the university on this point the indispensable condition of admittance to any academical honor.¹⁰ Though this decision only went as far as to disapprove the rejection of the doctrine, it had yet all the effect of a positive declaration in its favor,¹¹

Thomæ; 2. quod Dominus Episcopus (Parisiensis), apponens falceum in messeni summi Pontificis, dictas conclusiones pronuntiavit et decretiv falsas, hæreticas et erroreas; et causam subdit ibidem, quia ista, quæ tangunt fidem, sunt de majoribus Ecclesiæ causis, et quæ ad solum summum Pontificem pro examinatione et decisione deferri debent. The university sent four deputies to the Pope, of whom Peter d'Alliaco was the most distinguished: see his sermons et propositions in Consistorio in *d'Argentré*, p. 66. In answer to the first complaint of the Dominicans, the university had already declared in a letter ad universos Christifideles dd. 14 Febr. 1388 (*d'Argentré*, p. 65), quatenus s. Thomæ doctrinam in dicta nostra condamnatione nequaquam reprobamus. The condemnation referred solely to the *est expresse contra fidem*, compare *P. d'Alliaco*, l. c. p. 107: licet (s. Thomas) dicat, quod fuit concepta in originali, tamen nec ibi, nec alibi dicit, quod oppositum dicere sit expresse — contra fidem. — Licitum est in hac materia probabiliter loqui, et istam partem tenere, vel etiam circa utrumque dubitare, ut supponitur: sed non licet sic probabiliter loqui vel dubitare de aliquo, quod est expresse contra fidem, etc. In answer to the second complaint, *d'Alliaco* maintains the propositions (l. c. p. 76): Ad s. Sedem Apostolicam pertinet auctoritate judiciali suprema circa ea quæ sunt fidei judicialiter definire. Ad Episcopos Catholicos pertinet auctoritate inferiori et subordinata circa ea quæ sunt fidei judicialiter definire. Ad Doctores theologos pertinet determinatione doctrinali et scholastica circa ea quæ sunt fidei doctrinaliter definire.

⁹ Compare the documents in *Bulæus IV.* p. 633, 638 seq.; and in *d'Argentré*, l. c. p. 132 seq. From the expressions which they now had to take back, it may be seen how far the Dominicans had been carried in the heat of controversy. Thus *Fr. Richard* (*d'Argentré*, p. 136): Elle fut souillée, touillée et brouillée au ventre de sa mère. — Nemplus que vous ne pourriez bouter vostre main en ung grand plain pot de gresse sans la souiller, nemplus ne fut la Vierge Marie engendrée sans souilleure, — *Fr. Adam de Soissons*, in a sermon (*Bulæus IV.* p. 639): Se la Vierge Marie fust trespassée devant la mort et passion de son glorieux fils, — elle fust descendue en Enfer, pourcequ'elle avoit esté conceue en peché originel. He acknowledged that he added to this, que je afferois sous la damnation de mon ame, et que en icelle soy je voudrois vivre et mourir. *Fr. Joannes Ade* (*ibid.* 641), quod festum Conceptionis b. et gloriosæ Virginis Mariæ non erat solemnizandum nec calendum, et qui coleret dictum festum, male faceret plus quam bene. — Item prædicando ad populum increpavi illos, qui in laudem Virginis Mariæ tenebant, eam non fuisse in Originali peccato conceptam, improperando eis et dicendo: *En volès-vous faire une Deesse?* etc.

¹⁰ See *Gersonius* pro reconciliatione Dominicanorum, ann. 1403 (*Bulæus V.* p. 83): conclusum erat, ut omnis gradus et honoris in Universitate expers fieret, quisquis non juraret tenere condemnationem super erroribus prædictis ab Universitate prius, deinde ab Episcopo Paris. factam. Distulerunt hoc agere Bacalaurii et fratribus prædictis tunc excipiendi, causantes a Superioribus suis licentiam ad hujusmodi præstationem juramenti neendum petiisse vel habuisse. Ex hac origine neque gradus, neque cathedram, neque sermones posterius adepti sunt. The restoration of the Dominicans to the university did not take place till 1403, see the Instrumentum in *d'Argentré*, l. c. p. 148.

¹¹ *Jo. Gersonii* Sermo de conceptione b. Mariæ Virginis, in A. D. 1401 (Opp. ed. du Pin, Vol. III. p. 1330): Est quod Spiritus sanctus interdum revelat Ecclesiæ vel Doctoribus posterioribus alias virtutes, vel expositiones s. Scripturae, quas non revelavit eorum prædecessoribus. — Ideo Moyses scivit plus quam Abraham, Prophetæ quam Moyses, Apostoli quam Prophetæ: et Doctores addiderunt multas veritates ultra Apostolos. Quapropter dicere possumus, hanc veritatem, b. Mariam

and the authority of the university secured the success of the doctrine.

This period was as rich as the foregoing one in new saints,¹² relics,¹³ and other holy things,¹⁴ as well as in new festivals.¹⁵ The masses, which constituted almost the whole of public worship, were multiplied by the avarice of the priests in the most outrageous man-

non fuisse conceptam in peccato originali, de illis esse veritatibus, quæ noviter sunt revelatae vel declaratae, tam per miracula quæ leguntur, quam per majorem partem Ecclesiae sanctæ, quæ hoc modo tenet. Fuit tempus aliquo, in quo non tenebatur generaliter, Mariam virginem esse in Paradiso in corpore et anima (see above, § 18, note 10), *sicut modo tenetur; et similiter post institutionem festi nativitatis s. Joannis nativitas Dominae nostræ ordinata fuit per revelationem unius solius feminæ, et multa similia. Nota de opinione s. Augustini de igne Purgatorii, qualiter tenetur opposita (See Vol. I. § 119, note 14).* Such a doctrine of new revelations had not then become objectionable. Thus *Guil. Occam tract. de sacram.* Altaris (appended to his *Quodlibetus*) says, that the doctrine of transubstantiation was not indeed in the Scriptures, but it was believed that it had been revealed to holy fathers.

¹² Schröckh, Th. 33. S. 417.

¹³ Of the numerous, and some of them strange enough, relics, collected in Prague by the emperor Charles IV., see Hagek's böhm. Chronik, S. 577, 593, 868 ff. Pelzels Kaiser Karl der Vierte, Th. I. S. 277.

¹⁴ Of the holy blood in Wilsnack, to which numerous pilgrimages were made from A. D. 1383, see S. Buchholzen's Gesch. der Kurnark Brandenburg, Th. 2. S. 593 ff.

¹⁵ Besides the two festivals of the Virgin, see above, notes 1 and 2, the Festum s. Trinitatis, which had long been occasionally observed, but now was fixed by John XXII, for the Sunday after Whitsuntide, *Baluz.* PP. Aven. I. p. 177, cf. Not. p. 793, Festum s. Lanceæ et Clavorum, changed at the request of Charles IV. by Innocent VI. 1354, for Germany and Bohemia, to the Friday after Quasimodo-geniti, cf. *J. H. a Seelen* miscellanea, P. I. p. 339 seq. See the bull, ibid. p. 394 seq. Compare the list of festivals on which it was unlawful to work, by Simon, archbishop of Canterbury, in Cone. Magfeldense, ann. 1362 (Mansi XXVI. p. 417): *In primis sacram diem Dominicum ab hora diei sabbati vespertina inchoandum, non ante horam ipsam præveniendum, ne Judaicæ professionis participes videamur, quod in festis, quæ suas habent vigilias, observetur: Item festa Natalis Domini, SS. Stephani, Joannis, Innocentium, Thomæ martyris; Circumcisionis, Epiphaniæ Domini, Purificationis b. Mariae, s. Matthiae Apostoli, Annunciationis s. Mariae, s. Parasceues, Pascha cum tribus diebus sequentibus, s. Marci Evangelistæ, Apostolorum Philippi et Jacobi, Inventionis s. Crucis, Ascensionis Domini, Pentecostes cum tribus diebus sequentibus, Corporis Christi, Nativitatis s. Joannis Baptistæ, Apostolorum Petri et Pauli, Translationis s. Thomæ, s. Mariae Magdalena, s. Jacobi, Assumptionis s. Mariæ, b. Bartholomæi, s. Laurentii, Nativitatis s. Mariæ, Exaltationis s. Crucis, s. Matthæi Apostoli, s. Michælis, s. Lucæ Evangelistæ, Apostolorum Simonis et Judæ, Omnia Sanctorum, s. Andreæ Apostoli, s. Nicolai, Conceptionis b. Mariæ, s. Thoma Apostoli, Dedicationum ecclesiarum parochialium et Sanctorum, in quorum honore ecclesiæ parochiales dedicantur: aliaque festa quæ in singulis dictæ provinciæ diocesis per locorum ordinarios ex certa scientia peculiariter indicuntur.* And even in this catalogue, some days formerly observed had been left out, the archbishop himself conceding: *quod ad devotionis parabatur compendium, in dissolutione erigitur cunulum, dum in ipsis festivitatibus colitur taberna potius quam ecclesia, concessiones abundant et ebrietates uberioris quam lacrymæ et orationes, lasciviis insititur et contumelias magis quam otio contemplationis: — tamquam solemnitates ipse ad profanationis et perversitatis exercitium gratis fuerint institutæ: quæ quanto magis pretenduntur in numero, tanto abundantius cultores abusionum hujusmodi in suis excessibus insolescunt.*

ner.¹⁶ It was already evident enough to the reflecting that bounds must be set to this mere ceremonial worship in which all true piety was merged.¹⁷

CHAPTER SIXTH.

HISTORY OF CHURCH DISCIPLINE.

§ 117.

OF INDULGENCES AND PUNISHMENTS.

THE theory of Indulgences, as perfected by Thomas Aquinas, was not only adopted by the theologians of this period,¹ but from the time of Clement VI. by whom it was first openly proclaimed (in the bull for a year of Jubilee),² may be considered as the received opinion of

¹⁶ *Alvarus Pelagi* de planctu Eccl. lib. II. c. 5: Nostra autem ecclesia plena et superplena est altaribus, missis et sacrificiis, sed cum hoc plena in sacrificiis homicidiis, sacrilegiis, et immunditiis, et simoniis, et aliis sceleribus, excommunicationibus, et irregularitatibus usque ad summum. — Tot enim hodie dicuntur missæ quasi quæstuarie, vel consuetudinariae, vel ad complacentiam, vel ad scelera coöperienda, vel propriam justificationem, quod apud populum vel clerum sacro-sanctum corpus Domini jam vilescit. — Unde et alius Franciscus voluit, quod in quoconque loco fratres contenti essent una missa, præsciens, fratres se velle justificare per missas, et ad quæstum eas reducere, sicut videmus hodie fieri: unde et dicebat, quod una missa cœlum et terram implebat. Cap. 27: Et jam consuetudine vel potius corruptela — inolevit, quod missa taxata tribus vel quatuor denariis vel uno solido venditur et emitur a populo cæco et presbyteriis simoniacis sceleratis.

¹⁷ *Petri de Alliaco* de Reformatione in Conc. Constant. c. 3 (in *Gersonii Opp. ed. du Pin*, T. II. p. 911): Quia Prælatis de divino cultu specialis cura esse debet, circa hujusmodi reformationem, quæ necessaria est, providendum esset, ut in divino servitio non tam onerosa prolixitas, quam devo'æ et integra brevitas servaretur; ut in ecclesiis non tam magna imaginum et picturarum varietas multiplicaretur; ut non tot nova festa solennizarentur; ut non tot novæ Ecclesia adficarentur; ut non tot novi Sancti canonizarentur; ut, præterquam diebus Dominicis, et in majoribus festis ab Ecclesia institutis, liceret operari post auditum Officium: cum quia in festis sæpe magis multiplicantur peccata in tabernac, in choreis, et aliis lasciviis, quas docet otiositas; tum quia dies operabiles vix sufficiunt pauperibus ad vitæ necessaria procuranda. cf. *Nicolaus de Clamengis* de novis celebritatibus non instituendis in Opp. ed. *Lydii*, p. 143 seq. As long ago as Henricus de Hassia, he had recommended (*Gerson* de probatione Spirituum in Opp. I. p. 40), comprimendam esse tot hominum canonizationem.

¹ See the passages from their works collected in *Eus. Amort* de origine, progressu, valore ac fructu indulgentiarum (Aug. Vindel. 1735. fol.), P. II. p. 80. To the list may be added *Augustinus Triumphus Summa* de potest. eccles. Qu. 29 – 32.

² See the bull *Unigenitus* of January 27, 1343, in *Extravagg. Comm.* lib. V. Tit. 9, c. 2, and in *Raynald*, ann. 1349, no. 11: (Deus Filius) non corruptibilis auro et argento, sed sui ipsius, agni incontaminati et immaculati, pretioso sanguine nos redemit, quem in ara crucis pro nobis innocens immolatus, non guttam sanguinis modicam, quæ tamen propter unionem ad Verbum pro redemptione totius

the church. The opportunities of getting absolution for sins were constantly multiplied. Smaller indulgences were daily to be had,³ nor was there any dearth of crusades as a means of obtaining general absolution.⁴ The new invention of the year of Jubilee, in particular, was used to great effect. Clement VI., at the prayer of the Romans (A. D. 1343), reduced the term of its recurrence to fifty years,⁵ so that it was celebrated in the year 1350.⁶ Urban VI. (A. D.

humani generis sufficiisset, sed copiose velut quoddam profluvium noscitur effusisse, ita ut a planta pedis usque ad verticem nulla sanitas inveniretur in ipso. Quantum ergo exinde, ut nec supervacua, inanis aut superflua tantæ effusionis miseratio redderetur, thesaurum militanti Ecclesiae acquisivit, volens suis thesaurizare filius pater, ut sic sit infinitus thesaurus hominibus, quo qui usi sunt, Dei amicitiæ participes sunt effœti! Quem quidem thesaurum non in sudario repositum, non in agro absconditum, sed per b. Petrum cœli clavigerum, ejusque successores, suos in terris vicarios, commisit fidelibus salubriter dispensandum, et propriis (*leg. pro piis*) et rationabilibus causis nunc pro totali, nunc pro partiali remissione pœnae temporalis pro peccatis debitæ tam generaliter quam specialiter, prout cum Deo expedire cognoscerent, vere pœnitentibus et confessis misericorditer applicandum. Ad eujus quidem thesauri cumulum beatæ Dei Genitricis et omnium Electorum a primo justo usque ad ultimum merita adminiculum præstare noseuntur, de eujus consumptione seu diminutione non est aliquatenus formidandum, tam propter infinita Christi, ut prædictum est, merita, quam pro eo, quod quanto plures ex ejus applicatione trahuntur ad justitiam, tanto magis acrescit ipsorum cumulus meritorum.

³ The inhabitants of Xanten, in the territory of Cleves, having appointed a bell to be rung in the evening as a summons to the worship of the Virgin by repeating the salutation of the angels; John XXII. A. D. 1318, granted an absolution of ten days to whomsoever should repeat it three times (*Raynald*, ann. 1318, no. 58. cf. ann. 1327, no. 54). The Conc. Avenionense, ann. 1326, cap. 2, gave to those who should accompany the sacrament to sick persons by day, twenty days, by night, thirty days absolution; cap. 3, to those who should pray for the Pope and the church, ten days; cap. 4, to those who bowed themselves at the name of Jesus, ten days. This is repeated in Conc. Avenion, ann. 1337, c. 2; Vaurense, ann. 1368, c. 124; Narbon, ann. 1374, c. 19.

⁴ e. g. above, § 96, note 25; § 98, note 7.

⁵ See an account of the solemn embassy of the Romans in the *Tertia Vita Clementis VI.* in *Baluz. PP. Aven.* I. p. 286. The request was granted in the bull *Unigenitus* (see above, note 2): *Nos autem attentes, quod annus quinquagesimus in lege Mosaica — jubileus remissionis et gaudii — censebatur, quodque ipse quinquagenarius numerus in testamentis, veteri quidem ex legis donatione, in novo ex visibili s. Spiritu in discipulos missione — singulariter honoratur, quodque huic numero plura et grandia divinarum adaptantur mysteria scripturarum; et clamorem peculiaris populi nostri, Romani videlicet, hoc humiliter supplicantis, ac nos ad instar Moysi et Aaron per proprios et solennes nuntios ad hoc specialiter destinatos orantibus pro toto Christiano populo et dicentis: Domine aperi eis thesaurum tuum fontem aquæ vivaæ, desiderantes benignius exaudiere; — volentesque quamplurimos hujusmodi indulgentiæ fore participes, cum pauci multorum respectu propter vitæ hominum brevitatem valeant ad annum centesimum pervenire: de fratribus nostrorū consilio prædictam concessionem ejusdem indulgentiæ ex superscriptis et aliis justis causis ad annum quinquagesimum ducimus reducendam.* He then ordains for the year of Jubilee, ut universi Christifideles, qui vere pœnitentes et confessi — Petri et Pauli Apostolorum basilicas et Lateranensem ecclesiā — visitaverint, plenissimam omnium peccatorum suorum veniam consequantur, ita videlicet, ut quicunque voluerit indulgentiam hujusmodi assequi, ad minus triginta, si Romani: si vero peregrini aut forenses modo simili XV. diebus ad prædictas Basilicas et Ecclesias accedere teneantur. Adjacentes, ut ii etiam, qui — post iter arreptum impediti legitime, quo minus ad urbem illo anno valeant pervenire, aut in via, vel dierum prætaxato numero non completo in dicta urbe decesserint, vere pœnitentes et confessi, eandem indulgentiam consequantur.

1389) changed it to three and thirty years.⁷ Boniface IX. availed himself of this to celebrate it in the year 1390; but not content with this, he caused the Jubilee-indulgence to be offered for sale throughout the three following years in different countries, and drove a most scandalous traffic in indulgences of various kinds.⁸ Besides the gross

⁷ Of the concourse to Rome, see *Matteo Villani* 1. c. 56 (*Muratori Scriptt. Rer. Ital. XIV.* p. 56), *Heinr a Rebdorff*, ad ann. 1350. *Prima Vita Clementis VI.* in *Baluz.* 1. p. 256. Comp. *Limpurgische Chronik* (by a contemporary) *Wetzlar.* 1720. Svo. S. 16.

⁸ The bull, dated April 8, 1389, in *Eus. Amort de indulgentiis P. I.* p. 84: Nos considerantes, quod ætas hominum amplius solito in dies labitur pauciores, et desiderantes, quam plurimos participes fieri indulgentiæ memoratæ, cum plurimi ad annum quinquagesimum propter hominum vita brevitatem non perveniant,— ac intendentes, quod anno tricesimo tertio Salvatoris Domini nostri Jesu Christi ipse Salvator noster pro nobis æterno Patri Adæ debitum solvit,— et quod mysterio hujusmodi XXXIII annorum— plura etiam alia et grandia divinarum scripturarum mysteria adaptari possunt,— et aliis justis causis ad annum tricesimum tertium reducimus, etc. The true motive, however, was the wish to conciliate the tumultuous Romans. See *Spondani annall. eccl.* ann. 1389, no. 3.

⁹ *Theod. a Niem de schism.* 1. c. 68: Innumerabiles peregrini toto illo anno (1390)— ad urbem venerunt, unde et maxima offertoria Ecclesiis et Basilicis urbis per visitatores data fuerunt, ex quibus aliquæ reparations ipsarum Ecclesiarum factæ fuerunt, sed residuum et major pars ad manus Bonifacii et quorundam aliorum devenit. Ipse etiam Bonifacius hujusmodi offertoriis non contentus, licet ad maximas summas ascenderent (erat enim insatiabilis vorago, et in avaritia nullus ei similis), ad diversa regna misit questuarios vendendo dictam indulgentiam offerentibus tautum, quantum essent expensuri in via, si propterea ivissent ad urbem: et hujusmodi exactores seu quæstuarii etiam maximas suminas pecuniarum a simpli-cibus seu barbaris subtiliter extorserunt, ita quod aliquando in uno regno, seu in una provincia hujusmodi venditionibus ultra centum millia florenorum reportarunt, quia omnia peccata etiam sine poenitentia ipsis confitentibus relaxarunt, super quibuslibet irregularitatibus dispensarunt interventu pecunia, dicentes, se omnem potestatem habere super hoc, quam Christus Petro ligandi et solvendi contulisset in terris. Et per hoc ipsi quæstuarii impinguati, dilatati, ingrossati, et cum multis pulchris equis et decenti familia redeuntes ad urbem, ipsam de collectis per eos taliter rationem Pontifici fecerunt, sed aliquos eorum, quos comperit infideliter egisse, carceribus intrudebat: nonnulli corum mala morte perierunt, aliqui vero sibi ipsis mortem conciverunt, quidam furore populi in petias (*en pièces*) secti fuerunt, etc.— *Magnum Chronicum Belgicum* (in *Rerum German. Scriptt. ed. Pistorius-Struve*, T. III. p. 363): Postquam annus Jubilæus— transiit, Dominus Bonifacius unum annum sub anni Jubilæi urbis Romæ indulgentiarum forma Coloniensi civitati concessit; ita ut venientes Coloniam, vel ibidem habitantes, illo anno durante visitantes certas Ecclesias ad hoc directas cum oblationibus suis possent consequi indulgentias, quae visitantibus urbem Romanam in anno Jubilæo concessæ erant, videlicet plenissimam remissionem omnium peccatorum. Quo anno elapsò similis annus concessus est ab eodem Domino Bonifacio sub eadem forma civitati Magdenburgensi. Et ad utramque harum civitatum missus est collector Papæ, qui certam partem recepit oblаторum. Deinde indulgentias similes concessit visitantibus alias nonnullas civitates Gerinianiæ ad certos menses. Unde in Misnia et Praga ex hujusmodi concessione concursus magnus populorum fuit. Deinde idem concessit multis locis Almanniæ, ut visitantes certas istorum locorum Ecclesias consequerentur indulgentias similes, quæ erant quondam concessæ tali vel tali loco, seu tali vel tali Ecclesia, quæ in ipso privilegio concessionis exprimebatur (see the bull following).— Et in omnibus privilegiis concessionum prædictarum ponebatur clausula *porrigentibus manus adjutrices*, ita ut hujusmodi indulgentias, nisi qui ipsis locis vel ecclesiis manum porrigeret adjutricem, nemo consequi posse videretur. Unde quidam concessiones hujusmodi magis non magni faciebant, ut quas pro lucro magis, quam ex zelo, tum institutas a Papa suspicabantur. The part taken by the Pope's Camerarius, Balthasar Cossa, afterwards

John XXIII., in this traffic, see in *Theod. de Nien* de vita Joh. XXIII. (in *Meibonii Rer. Germ. T. I.* p. 7, and v. d. *Hardt Conc. Const. T. II.* p. 340 seq.): Nec istis lucris contentus, sed amplius ditari satagens, quosdam eloquentes et audaces apostatas de Spoleto in vicinis partibus oriundos, quos Italici Exiretanos appellant, et nuncios dicti Bonifacii ad prædicandas in Almania, Dacia (Denmark), Suecia, et Norvegia, et adjacentibus provinciis indulgentias et peccatorum remissiones de omni peccato largissimas fieri procuravit. Qui me sape audiente publice prædicarunt, quod etiam s. Petrus, si viveret, majorem remissionem peccaminum potestatem non haberet, quam ipsi ab eodem Bonifacio receperunt ad salutem animarum illorum, quibus illi eandem remissionem communicarent, et quod omnia, quæ ipsis darentur ratione indulgentiarum hujusmodi, in succursum Imperatoris Constantinopolitani, qui et sui subditi Christiani per Turcos tunc essent oppressi gravissime, mitterentur. Qui quidem questores cum magna copia ad Germaniam pervenientes, et primo in Suevia in diocesi Constantiensi notabiliora hospitia in locis et oppidis insignibus pro se receperunt, et banderium Romanæ ecclesie cum clavibus s. Petri depictum die immediate sequenti post jucundum illuc eorum adventum extra fenestras extenderunt: intrantes autem cum magno apparatu illuc majorem ecclesiam aut principalem, major eorum in ipsa ecclesia in altiori loco prope altare sedile cum tapetis pulcris per suos ministros ad id deputatos sibi fecit apparari cum panno nobili de serico etiam superius extenso. — Solemnam benedictionem ille major nuntius populo dedit, et per aliquos Episcopos titulares illud mel sequentis sermonis ibidem in publico fieri fecit, intimando simplicibus ibidem tunc congregatis, ut eos levius decipere necnon pecunias reportare possent, indulgentias et remissiones peccaminum antedictas: et semper in eisdem sermonibus publice dicebatur, quod ipse major nuntius super omni irregularitate ac peccato posset dispensare, ac ipsa peccata remittere, ac etiam parentum animas eorundem offerentium ipsis de purgatorio liberare, et ultra hoc quicquid posset Papa de plenitude potestatis, id idem ipsi possent, et etiam aliquid amplius, si expediret. Et si aliquis eis in hoc forsitan contradixit, illum haereticum aut schismaticum, neenon Apostolicæ sedi rebellem noninabant, et modis omnibus persequebantur, et quod infra paucos dies in præfata curia coram prædicto Bonifacio, pro meritis digna recepturus personaliter compararet, ignominiose citarunt, et per hoc Prałatos ecclesiasticos et alios terroruerunt, quod istis — se opponere non audebant. — Sicque ultra centum millia florinorum auri ipsi nuncii infra biennium per illos modos in eisdem partibus colegerunt. The principalis nuntius, Antonius de Roma, went then to Bologna to account to Balthasar, who in the mean time had become cardinal and legate in that city; Balthasar put him in prison and took the money from him, eum quo sperabat se empturum aliquam pinguem cathedralem ecclesiam vel abbatiā a Bonifacio sepedito. Videns autem se hujusmodi spe fraudatum, tanquam desperans in careeribus ipsis mortem sibi consivit, se ipsum quadam chorda, qua cingebatur, quadam nocte jugulando. Finally, when a sufficient sum had been collected, Boniface, to redeem the honor of the papal see, took back all the absolution which had thus been granted, as unlawful (just as he had before done with the Expectatives, *Theod. a Nien* II. c. 9, see above, § 102, note 7). See the bull of December 22, 1402, in *Statuta Synodalia a Wenceslao Epise. Wratislav.* ann. 1410, publicata ed. a *J. Chr. Friedrich.* Hannoveræ, 1827. p. 11: Intenta salutis operibus sedis apostolicae circumspecta benignitas — interdum aliqua per importunam petentium instantiam, quadam autem per surreptionis malitiam vel fraudem vel quemvis modum illicitum impetrata statuit vel indulget, deinde vero in ejus notitiam his deductis ac utilitate publica suadente ea reformat in melius. Such were the grounds of the following decree: Item revocamus et annulamus omnes et singulas indulgentias, in quibus continetur *a pena et a culpa vel plena indulgentia omnium peccatorum suorum*, et alias, quæ concessæ sunt sub formis indulgentiarum ecclesiæarum urbis, anni jubilæi, vel s. Sepulchri dominici, s. Michaelis de monte Gargano, s. Jacobi in Compostella, et s. Marci de Venetiis, s. Mariæ de Angelis, alias in Portuncula, s. Mariæ de Collomadio, et omnes alias, quæ factæ sunt ad instar indulgentiarum quibusvis aliis ecclesiæis concessarum, et volumus, quod nullius sint rotoris vel momenti, etiamsi in litteris apostoliceis, super dictis indulgentiis confectis, contineretur talis clausula, videlicet: *et si contigerit revocari per nos indulgentias in genere vel in specie, quod indulgentiae ipsæ per easdem litteras concessæ non intelligantur revocataæ.*

rapacity displayed in this traffic,⁹ constant impositions were practised. Thus the decree for a year of Jubilee, in 1350, seems to have been forged by the inhabitants of Rome in the name of Clement V.¹⁰

⁹ Thus when Cardinal Albornoz preached a crusade in Italy A. D. 1356 (comp. above, § 98, note 3), *Matteo Villani* VI. c. 14: E incontanente l'avarizia de' Chericci cominciò a fare l'uficio suo, e allargarono colla predicazione l'indulgenza oltre alla commissione del Papa. E cominciarono a non rifiutare danajo da ogni maniera di gente, compensando i peccati e voti d'ogni ragione con danari assai, e pochi, come gli poteano attrarre. E per non mancare alla loro avarizia, sommoveano nelle Città, e ne' Castelli, e nelle Ville ogni femminella, ogni povero, che non havesse danari, a dare pannilini, e lani, e masserizie, grani, e biade. Niuna cosa rifiutavano, ingannando la gente, con allargare colle parole quello, che non portava la loro commissione. E così davano la Croce, e spogliavano le Ville, e le Castella più che non poteano fare le Città. Comp. Balthasar Cossa's traffic, note 8, above.

¹⁰ This is the bull *Ad memoriam*, which we have from two contemporaries, Peter of Herentals, prior of the convent of Fleury (*Quinta vita Clementis VI.* in *Baluz. Vitæ PP. Aven.* I. p. 312), and Albericus de Rosate (*Dictionarium juris s. v. Jubilæus annus*). The most striking passages are: Item concedimus, quod, si vere confessus in via morte præveniatur, ab omnibus peccatis suis sit immunis et penitus absolutus, et nihilominus mandamus Angelis paradisi, quod animam illius a purgatorio penitus absolutam ad paradisi gloriam introducant. — Cum autem fideles prædicti ita devote prædicta compleverint, ostendetur eis ex mandato nostro sudarium Domini nostri Jesu Christi, quo viso ab omnibus peccatis suis sint absoluti et indulgentias habeant ab eisdem. Nosque ex parte D. N. Jesu Christi, cuius sumus in terra Vicarii, reducimus eos ad statum, quo erant die illo, quo baptisnum receperunt, de gratia speciali. In reference to this *Jo. Wessel* († 1489) says in *Epist. ad M. Jac. Hoeck* (*Farrago rerum theologicarum. Viteimb.* 1522. 4to. fol. XXXIX. b. and in *Goldasti Monarchia*, T. I. p. 581): Neque parum horrori mihi est verbum tuum illud, quo mones, quod magis quam pro ratione mibi esse debet auctoritas Papæ. Numquid Parisiensi Facultati theologicæ non dico ratione majus fuit, immo numquid fuit pro ratione Clementis Papæ auctoritas, quando temeritatem illius angelis præcipientem reprehenderunt et correxerunt? quando cruce signatis ad eorum vota tres vel quatuor animas ex purgatorio quas vellent elargiebatur? item quando indulgentias a poena et culpa publicabat? Horum tamen errorum hodie plumbatae bullæ reperiuntur. Since the bull was printed by *Joh. Hoornbek Examen Bullæ Papalis*, qua *Innocentius X.* abrogare nititur pacem Germaniæ. Ultraj. 1653. 4to. p. 273 seq., much use has been made of it by the opponents of papacy. Still it is undoubtedly spurious, see *Baluzii Vit. PP. Aven.* I. p. 915 seq. *Pagi Breviar. gest. Pontiff. Rom. ed. Luc.* T. II. P. II. p. 86. *Chais lettres hist. et dogm. sur les Jubilés*, T. I. p. 164 seq. For, 1. Albericus, who himself went to Rome to secure the dispensation offered, introduces this bull with the remark: Circa prædictam indulgentiam alias formas habui, quæ an fuerint apostolicæ ignoro, tamen sunt pulchrae et ideo eas hic describo; and adds afterwards: Hæc forma, sicut puto, non fuit bullata, nec confirmata, nec servabatur tempore dictæ indulgentiæ, ad quam fui cum uxore et tribus filiis. 2. *Antoninus Florentinus Summæ*, P. III. Tit. 10, c. 3, § 6: sciendum quod in copia cujusdam bullæ, quæ dicitur esse Clementis, multa narrantur, quæ non videntur esse de stylo Curiæ, cum sint levia et exorbitantia satis. Unde licet adscribantur Clementi, non videtur verisimile illius vel alterius summi Pontificis fuisse, sed fictiti inventa. 3. Nothing is known of any such resistance of the Sorbonne, as is mentioned by John Wessel above. 4. Baluze observes correctly: Insula est compositio, fatua, demens, aliena a stylo curiæ, such as is hardly to be expected from a learned man like Clement VI. It is impossible that he should have allowed, as in this bull is done, all priests to leave their churches for a year, all monks to force their abbots to give them permission to travel and the means; which betrays rather the interest of the Romans, who were never satisfied with pilgrims. 5. The bull orders: Volumus insuper et ordinamus, quod omnes Romipetæ patriæ Romanæ, Campaniæ, Tuscæ, Apulegiæ, Calabriæ, Principatus terræ Lombardiæ et Italiae usque ad Pedemontem in præfata civitate per unum mensem sequentem residenti-

The widest field, however, for such impostures was opened by the measure above-mentioned, of Boniface IX., of exposing the Jubilee-indulgence for sale every where.¹¹

In making their indulgences dependent upon the fulfilment of certain arbitrary external conditions, whilst they granted to some and refused to others what was alike the right of all,¹² the popes conducted themselves rather as the uncontrolled disposer than as the stewards of the heavenly grace. They also laid themselves open to the same reproach by granting privileges to certain communities, or to individuals of a community, to which all had an equal claim.¹³ This was especially seen in the case of the kings of France, on whom the devoted Clement VI. heaped privileges of this sort, some of them highly exceptionable in a moral point of view.¹⁴

ain faciant, etc. in opposition to the true hull of Jubilee (see note 5), according to which only the inhabitants of Rome were thus called upon to have absolution. In this we detect the marks of Roman avarice.

¹¹ *Bonifacii Ep. ad Epise. Ferrarensim* (in *Raynald*, ann. 1390, no. 2): Ad audientiam nostram — fidei dignorum quamplurium relatio perduxit, quod quidam religiosi diversorum, etiam mendicantium, ordinum, et nonnulli clericorum saeculares etiam in dignitatibus constituti, asserentes, se a nobis — missos, — non veras et pretensas facultates hujusmodi mendaciter simulant, cum etiam pro qualibet parva pecuniarum summa non penitentes — ab atrocibus delictis — absolvant, male ablata certa et incerta, nulla satisfactione pravia (quod omnibus saeculis absurdissimum est) remittant; castitatis, abstinentiae, peregrinationis ultramarinae — et alia quaevis vota levi compensatione commutent; de heresi vel schismate — condemnatos, absque eo quod in debita forma abjacent, — non tantum absolvant, sed in integrum restituant; — et indulgentiam, quam felicis recordationis Urbanus P. VI. — Christifidelibus certas basilicas et ecclesias dictae urbis instanti anno visitantibus concessit, — quibusvis elargiri pro nihilo ducant; — ut quasi hominibus perpetuam felicitatem in hoc saeculo polliceri conentur, et aeternam gloriam in futuro; et quaeatum, quem exinde percipiunt, nomine camera apostolicae se percipere assentant, et nullam de illo nihilonimus rationem velle reddere videantur. They were to be compelled ad reddendum computum de receptis, and imprisoned.

¹² The theologians of the time discussed the question very seriously, why the Pope, since he had the power, did not release all souls from purgatory: e. g. *Summa Astesanae* (see § 115, note 1), Lib. V. Tit. 40: Si Papa potest animas in purgatorio sic absolvere, saltem per modum suffragii, quare ergo non absolvit omnes solo verbo, eum talibus sit maxime compatiendum? *Resp.* Si Deus per se ipsum sic miseretur, ut semper velit timeri justitiam, multo fortius similiter Dei Minister facere debet: unde dispensatio bonorum Ecclesiae discrete et cum moderamine est facienda, et nisi ita fiat, Deus non acceptat.

¹³ Thus Boniface IX., 1395, allowed as a privilege to the city of Wolfbagen, that an interdict imposed on its inhabitants for the offences of certain individuals, should cease as soon as the excommunicated persons had left the city. See *Kopps Nachr. v. d. geistlichen und Civilgerichten in d. Hessen-Casselischen Landen*, Th. 1, Beilagen S. 61.

¹⁴ What these were (almost all passed April 20, 1351) see in *d'Achery Spicileg. T. III.* p. 723 seq. Especially objectionable is the Privilegium, p. 724: Vobis et successoribus vestris Regibus et Reginis Franciae — in perpetuum indulgemus, ut confessor religiosus, vel saecularis, quem vestrum et corum quilibet duxerit eligendum, vota per vos forsitan iam emissa, ac per vos et successores vestros in posterum emittenda, ultramarino, ac bb. Petri et Pauli Apostolorum, ac castitatis et continentiae votis duntaxat exceptis; necnon juramenta per vos presiita, et per vos et eos praestanda in posterum, quae vos et illi servare commode non possetis, vobis et eis commutare valeat in alia opera pietatis. Further: Quod Rex et Reginam in locis interdictis possunt facere celebrare; quod Confessor absolvere eos

Whilst the hierarchy were thus prodigal of their indulgences, they were no less so of their punishments,¹⁵ so that these too lost much of their power.¹⁶ The most solemn excommunications were those which the popes pronounced on the Thursday before Easter.¹⁷

potest in casibus sedi Apost. reservatis; quod Confessor Regi cum exercitu potest dare licentiam vescendi carnibus; quod confessor Regem et Reginam dispensare potest de jejuniis; quod Rex ingredi potest Monasterium inclusarum; quod Rex possit facere celebrare super Altare portatile in sua et gentium exercitus sui praesentia; quod Praelatus celebrans coram Rege seu Regina conferre potest unum annum et XL dies indulgentiae; quod Confessor Regis et Reginæ eius semel in mortis articulo, et quotiescumque pro Regni defensione imminet periculum, plenari remissionem peccatorum indulgere possit; quod orantibus pro Rege et Reginæ centum dies de injunctis pœnitentiis qualibet die relaxantur; quod Rex et Reginæ eligere possunt Confessorem, qui eos absolvant, si excommunicationis sententiam incurserint propter manuum injectionem in Clericos; quod nemo potest in terram Regis et Reginæ interdicti sententiam promulgare absque auctoritate Apostolica; quod non teneantur ad restitutionem bonorum, nisi his qui ad notitiam eorum venerint, sed cleemosyna cedant loco restitutionis; quod Confessor Religiosus Regis et Reginæ, cui est Jesus carnium secundum statuta sui Ordinis interditus, liceat potest in eorum comitiva vesci carnibus; quod Clerici Regis et Reginæ possunt a quoquaque Episcopo Ordines suscipere, etc.

¹⁵ See above, § 102, note 4; § 105, note 6. Thus *Alvarus Pelagius* de planctu Eccl. II. c. 20, reckons amongst the usual accusations brought against the bishops, Trigesimum quintum, quod pro minimis culpis paratos etiam corrigi excommunicant; quum tamen nemo excommunicari debeat, nisi pro magnis peccatis, et quando aliter corrigi non potest.

¹⁶ Comp. § 105, note 9. *Alvarus Pelagius* I. c. 69, discusses the question: Quum ecclesia tantam nunc habeat potestatem temporalem, cur Praelatorum sententiae aut nullo modo aut male a subditis pro majori parte servantur, parvipenduntur et despiciuntur? *Petri de Alliaco* Canones reformandi Eccles. in Conc. Const. (written 1416) in v. d. *Hardt* Conc. Const. T. I. P. VIII. p. 417: De secundo gravamine supra tacto, scil. de multiplicatione excommunicationum, et ex consequenti irregularitatum, quas Rom. Ecclesia in suis constitutionibus pœnalibus, et maxime in quibusdam novis decretalibus imposuit, et saepe per suos collectores in multorum scandalum fulminavit (see § 102, note 4), et ad ejus exemplum alii prelati leviter et pro levibus causis — pauperes excommunicatione crudeliter persecuti, necesse est providere. — Nam gladius ecclesie, scil. excommunicatio, qui in primitiva ecclesia, veneranda raritate, erat formidabilis, iam propter abusum contrarium contemptibilis effectus est. *Jo. Vitoduranus* in the Thesaur. hist. Helv. p. 70:

Mos interdicti pœnæ nocuit maledictæ
Plus cæteris longe censuris Catholicorum,
Quam tulit in plebem Papa nimis temer
Extinguit cultum Domini, fidei quoque lumen;
Devotos animos indurans reddit ineptos,
Suscitat ac hæreses improbitate sua.

¹⁷ Thus Paschal II. pronounced a solemn decree of excommunication on Henry IV. in cena domini 1102 (see § 49, note 7), Gregory IX. 1227, on Frederick II. (*Ibid.* § 55, note 7). The feria quinta was, namely, according to the consuetudo Romanæ Ecclesiæ, the day of the readmission of penitents (*Guil. Durandi Rationale divin. offic. Lib. VI. c. 73*): excommunication on that day was therefore the more fearful. Towards the end of the 13th century, it had already become customary for the Popes to repeat on this day every year certain important acts of excommunication. Thus according to the testimony of the Conc. Herbipol. ann. 1287. c. 40. against the imponentes et exigentes nova passagia (see § 63, note 19). There are two processus in cena Domini extant of Boniface VIII., one of A. D. 1299, against those, qui ad Saracenos arma, victualia aliaque deferrent (*Bullar. Rom. T. III. P. II. p. 92*); the other of A. D. 1303, against those, qui laderent ad sedem Apostolicam venientes (*ibid. p. 96*). These Processus were united, and

§ 118.

EPISCOPAL INQUISITORIAL SYNODS.

[See § 82, note 1.]

From the time that these Synods had adopted the punishment by fines almost exclusively, they seemed to have become only a new source of revenue to the prelates.¹ The most suspicious testimony was admitted without scruple, and the innocent were often glad to buy themselves free from false accusations.² The efforts of the laity

yearly repeated, for the most part in the same form, but sometimes also with slight modifications. A similar compound Processus by Gregory XI. of A. D. 1370, is said to be in the Vatican (Le Bret Gesch. d. Bulle In Cœna Domini, Th. 2. S. 156): the oldest yet published, however, is that of Gregory XII. A. D. 1411 (*Raynald*, ad h. a. no. 1): Excommunicamus et anathematizamus ex parte Dei Patris, et Filii, et Spiritus Sancti, auctoritate quoque bb. Apostolorum Petri et Pauli et nostra omnes hæreticos, Gazaros, Patarenos, Pauperes de Lugduno, Alandalistas, Speronistas et Passaginos, et omnes alios hæreticos, quocunque nomine censeantur, et omnes fautores, receptatores, et defensores eorum. Item excommunicamus et anathematizamus omnes piratas, cursarios, et latrunculos marinos, et omnes fautores, receptatores et defensores eorum. Item excommunicamus et anathematizamus omnes illos, qui ad sedem Apostolicam venientes vel residentes ab ea, neconon illos, qui jurisdictionem ordinariam vel delegatam aliquam non habentes in eadem curia morantes temeritate propria capiunt, spoliant, percutiunt, mutilant, et detinere præsumunt, et qui talia fieri faciunt seu mandant, etc. This Processus annualis, after various changes made by the different Popes since Pius V. (1566) has received the name of the bull *In cœna Domini*. Of its origin, see especially *Prosperi Card. Lambertini* (Benedicti XIV de festis, P. I. c. 196: Le Bret's Pragmat. Geschichte der Bulle In cœna Domini (Frankf. and Leipzig. 1769—70. 4. Bde. 4to. 1—2ter Bd. N. A. 1772) gives no information whatever as to its origin.

¹ *Petri de Alliaco* Canones reformandi Eccles. in Conc. Const. (written 1416) in v. d. Hardt Conc. Const. T. I. P. VIII. p. 421: Item providendum erit, ut Prælati in suis synodis, et eorum officiales in suis curiis non ad repletionem bursarum intendant, sed ad correctionem vitiorum, emendationem morum, et ædificationem animarum. Et ut exactiones pro sigillis et literis moderentur, et pœnæ pecuniæ vel tollantur vel temperentur, aut in totum vel partem ad pios usus notorie applicentur.

² *Nic. de Clamengis* de ruina Ecclesiæ, c. 21 (v. d. Hardt Conc. Const. T. I. P. III. p. 23): Dici non potest, quanta mala ubique faciant illi scelerati exploratores, quos Promotores appellant. Simplices et pauperculos agrestes, vitam satis innocuam in suis tuguriis agentes, et fraudis urbanae nescios in jus sæpe pro nihilo vocant. Causas et crimina contra eos sedulo configunt, vexant, terrent, minantur, sive eos per talia secum componere et pacisci cogunt. Quod si facere renuerint, crebris eos citationibus, quotidie repetitis supra modum infestant. Quod si semel qualibet occasione præpediti comparere desierint, censura illico anathematis ut rebels et contumaces feriuntur. Si vero ad diem venire, quoties vocati erunt, perseveraverint, eorum audiencias apud judicium tribunalia impedit, morasque et subterfugia dilationum et interlocutionum captabunt, quæ per facile in foris ecclesiasticis obtinentur, quo vel sic longo tâgio longaque sui temporis jactura fatigati super futuram vexationem atque impensam pecuniæ pactione redimere cogantur. Ita fit pro levi vel nullo delicto, vel pro exiguo debito infinitarum cumulus expensarum. The same complaints are found in the *Gravaminibus* of the

became therefore more and more general to shake off the jurisdiction of these courts.³

CHAPTER SEVENTH.

HISTORY OF THE HERETICAL PARTIES.

§ 119.

HISTORY OF THE OLDER PARTIES.

THE labors of the Inquisition seem to have been very successful in sweeping the Albigenses from the south of France,¹ and scattering them in the countries lying East; especially in Bosnia, where we now find them in great numbers.² The Waldenses, on the other

French Barons, A. D. 1329 (see § 105, note 6), e. g. Grav. VIII: Item (officiales) faciunt citari plures laicos ex officio suo super aliquibus, quæ sibi imponunt, maleficiis responsuros. — Et quando citati hujusmodi — negabant maleficia, — dicti officiales ipsos detinent captos, — licet in casibus eis impositis pertineat redicentia (*récérance*), et licet captio et detentio ad eosdem officiales minime pertineat, sed ad judices saeculares. IX. Item in casibus supra dictis licet — iidem laici reperiuntur puri et innocentes, nihilominus dicti officiales nolunt eos expeditare, donec pro scripturis processuum seu inquesta (*enquête*) prædictorum satisfactionem fecerint de magna pecuniae quantitate: licet de jure in tali casu eis expensas restituere tenerentur. XXXVII. Item cum quis excommunicatus est in aliquo loco, dicti officiales dant citationes personales super participibus, et faciunt citari totam patriam ad unam vel duas leucas (*lieues*) circumquaque, vel tales, qui noverunt excommunicatum bene XL, LX vel centum personæ purgaturæ se super participatione prædictorum. Ex quo sequitur, quod probi homines antiqui et senes redimunt se quilibet de XII denariis vel de duobus solidis pro vitandis expensis et laboribus. XXXVIII. Item dicti officiales imponunt pluribus personis famæ laudabilis et honestæ vita, quod sunt usurarii, et oportet eos cum ipsis officialibus concordare pro evitanda eorum infamia et labore. XXXIX. Item dicti officiales faciunt citari aliquem bonum hominem conjugatum, et imponunt ei, quod adulteratus est cum aliqua: et similiter mulierem aliquam conjugatam, imponendo sibi, quod adulterata est, in perpetuam infamiam ipsorum conjugum, et cum hoc extorsionem pecuniarum recipient ab eisdem, etc.

³ Compare § 84, note 4. In A. D. 1357, the city of Marburg also we find free from clerical jurisdiction. Kopp's Nachricht von den Geistl. u. Civilgerichten in Hessen, Th. I. S. 183.

¹ In the Liber sententiarum Inquisitionis Tolosanæ ab anno Chr. 1307 ad annum 1323, appended to Ph. a Limborch hist. Inquisitionis, there are still many Sententiae contra Albigenses. Compare Hist. générale de Languedoc, T. IV. p. 183 seq.

² Petri Ranzani († 1492) Epit. Rerum Hungaricarum Index XIX (in Schwandtneri Scriptores Rerum Hungar. T. I. p. 377) says of Lewis I. king of Hungary: Expugnavit Bosnenses et Bulgaros, qui ab ipso desciverant (A. D. 1359). — Navavit et operam, ut Patareni, Bosnensis natio, abjecta execrabilis illa Manichæorum hæresi, cui perdiu inhæserant, ad fidei veritatem unitatemque redirent. Verum perfidi homines haud multo post, ab eorum hæresiarchis persuasi, ad pristinos redierunt errores. cf. Joh. de Thurocz Chron. Hungarorum, written 1473, P. III. c. 47 (Schwandtner I. p. 195) and Raynald. ann. 1366, no. 11.

hand, resisted successfully all the persecutions to which they were subjected, and were not to be driven from the valleys of Piedmont, whither they had retreated.³ All the other heretical parties were designated by the common name of Beghards. Amongst these the Fraticelli and the brethren and sisters of the free spirit form the two great divisions, though the various combinations and modifications of opinions give the parties different aspects in different countries. In the south of France, Italy, and Sicily the Fraticelli were predominant.⁴ The German Beghards, on the other hand, called indiscriminately Lollards,⁵ were brethren of the free spirit,⁶ and not only

³ See the letter of John XXII to the Inquisitor at Marseilles, A. D. 1332, in *Raynald.* ad h. a. no. 31: in vallibus Lucernæ et Perusia, — Philippi de Sabaudia — temporali dominio subjectis, ita creverunt et multiplicati sunt hæretici, præcipue de secta Waldensium, quod frequenter congregations per modum capituli facere inibi præsumperunt, in quibus aliquando quingenti Waldenses fuerunt in simul congregati; quodque dudum — dicti Waldenses contra ipsum Albertum Inquisitorem manu insurrexerunt armata, et quod quadan die quondam Guilelmum rectorem parochialis Ecclesiæ de Engravia Taurinensis diœcesis, celebrata Missa per eum in platea dicta villa nequiter occiderunt, etc. In 1403 St. Vincentius Ferrerius undertook the conversion of these vallies (*Raynald.* ad h. a. no. 24). Of their being found in the south of France till A. D. 1323, see *Liber sententiarum Inquis. Tolos.* appended to *Limborsch.* — In A. D. 1335, Benedict XII. attempted to exterminate them from Dauphiny (*Raynald.* ad h. a. no. 63): though as late as 1373 they were still found there in great numbers (see *Gregorii P. XI. Ep. ad Carol. V.*, in *Raynald.* 1373. no. 20), and in 1375 they were violently persecuted in the same province (*Raynald.* ad h. a. no. 26).

⁴ See § 110, note 3. Thus the Beguines in the *Liber Sententiarum Inquis. Tolos.* see *Limborsch.* p. 381, were all Beguini, qui se dicunt esse de tertio ordine s. Francisci.

⁵ See above, § 112, note 3.

⁶ They were found chiefly at Cologne, where an edict was issued against them in 1306, by the archbishop, Henry of Virneburg (*Masheim de Beghardis et Beguinabus*, p. 2t0). In A. D. 1322, Waltherus, Fraticellorum princeps et hæresiarcha pessimus was burnt at the stake (*Jo. Trithemii Chron. Hirsaug.* T. II. p. 155), and the persecution was renewed in 1325 (see the contemporary *Wilhelmi Egmondani Chron.* in *Ant. Matthæi veteris ævi Analecta*, T. II. p. 643: Eodem anno Begardorum nequitia, quæ diversi mundi climatibus hactenus latere cernitur, apud Coloniam propalatur. Isti enim eorum ibidem stultitiam prædicantes, et matronas varias ad ipsorum ludibria contrahentes sub terra quoddam mirabile habitaculum fecerant, quod *Paradysum* vocabant. — Ad quem locum, ut sèpius etiam in nocte Parasceues convenire devereant, ubi cujusdam potentis uxorem cum ceteris invitabant. The husband followed, cujusdam Lollardi habitu indutus. One of the company, nititur surgere, in Jesu suæque matris Mariæ, ut ajebat, præsentia erroris materiam propalare. Duo enim — ibidem aderant, qui se Mariam et ejus filium asserebant. Dictus itaque nudus prædicens, et omnes more innocenter ad nuditatem exhortans, vario errore tam prima quam media nititur detegere, et conclusionem tenebris, extinctione candelarum videlicet, deturpare, which was the signal for the most scandalous scenes. The concealed witness informed against them. Capiuntur igitur — hujus sectæ singuli, quorum corpus aut ignis voragine aut Rheni ilumine suffocatur). Shortly after this the Provincial of the Dominicans, *Aicardus* or *Eccardus*, in Cologne, was discovered and condemned as a Beghard, and the sentence confirmed by John XXII, A. D. 1329 (*Raynald.* ad h. a. no. 70. *Mosheim de Beghardis*, p. 281). Still the decrees against them had to be renewed by archbishop Walram, 1335 (*Mosheim*, p. 294), and his successor, William, 1357, quia hujusmodi hominum pernicioса de novo incipit in nostra civitate et diœcensi invalescere multitudo (*Mosheim*, p. 330). — In Strasburg a decree was issued against them by the bishop, A. D. 1317 (*Mosheim*, p. 255): and as late

renounced their allegiance to the church, but all regard to the common rules of morality.⁷ They disseminated their doctrines by means

as 1366 many of them were burned at the stake in that city (*Mosheim*, p. 332): — In Constance three Beghards were burned in A. D. 1339 (*Vitoduranus*, p. 76), in Speyer, 1356, a hæresiarcha ex eorum secta, Berthold, who had been before distinguished for his activity in the cause in Franconia (*Jo. Trithemii Chron. Hirsau*. T. II. p. 231). — At about this time they began to spread in the north of Germany. In Magdeburg, 1336, quædam Beghinæ de his, quæ se de alto spiritu appellant were discovered by archbishop Otho (*Chron. Magdeb. in Meibomii Scriptt. Rer. Germ. T. II. p. 340*): afterwards it is related to the praise of the inquisitor, Walter Kerling, that by his activity, A. D. 1367, this sect in Magdeburg et in Erfordia et partibus convicinis est abolita et deleta (*Chron. Magdeb.* completed in *J. G. Menckenii Scriptt. Rer. Germ. T. III. p. 370.* cf. *Mosheim*, p. 338). — In Lübeck, A. D. 1402, Wilhelmus quidam, albis vestibus induitus, et pro Apostolo se gerens was discovered per varia impudicitiae signa et verba diversis personis expressa, et turpia exercitia cum pluribus habita. Propter quod a bonis et honestis mulieribus accusabatur apud Inquisitorem hæreticæ pravitatis (*Herm. Cærneri Chron. in Eccardi Corp. Scriptt. medii ævi. T. II. p. 1185*).

⁷ See § 87, note 20. Compare also the bull of John XXII., A. D. 1329, (*Raynald. ad h. a. no. 70*), condemning the 26 propositions of the Dominican Eccard (see note 6). The verbal agreement of many of these with the fragments given by Mosheim from a German work of the sect De novem rupibus seems to prove that Eccard was the author of this last. See further the propositions of the Beghards condemned by John XXII. in the bull In agro Dominico 1330, in *Cærneri Chron. in Eccardi Corp. Scriptt. medii ævi. T. II. p. 1035*, in *Mosheim de Beghardis*, p. 284: I. Quod in anima nostra est a Deo increaturem et increabilem, puta intellectus hunanum. II. Item quod Deus neque bonus est neque malus, sed nec optimus: et tam male dictum est, Deum esse bonum, sicut dicere, albus esse nigrum. III. Item quod in omni malo tam pœnæ quam culpæ manifestatur et relucet æqualiter gloria Dei. IV. Item quod vituperans quenquam, ipso peccato vituperi laudat Deum, et quanto plus vituperat et gravius peccat, tanto amplius laudat Deum. V. Item quod petens a Deo hoc vel hoc, malum petit et male, quia petit negationem boni, et negationem Dei, et orat sibi Deum negari. VI. Item quod in illis hominibus honoratur Deus, qui non intendunt res, nec honores, nec utilitatem, nec devotionem internam, nec sanctitatem, nec premium aut regnum cœlorum, sed omnibus his renuntiaverant. VII. Item quod homo debeat bene deliberare, utrum ipse velit a Deo aliquid recipere, quia ubi esset homo a Deo recipiens, ibi esset sub Deo, vel infra eum, sicut unus famulus vel servus, et Deus aliquid esset in dando. Sed sic non debemus esse in vita æterna, sed debemus ei conregnare. VIII. Item quod nos transformamur totaliter in Deum, et convertimur in eum simili modo, sicut in Sacramento panis convertitur in corpus Christi. IX. Item quod quilibet talis dicere potest: quicquid dedit pater unigenito filio suo in divinis, hoc totum dedit et mihi et sibi. X. Item quod quicquid dicit s. Scriptura de Christo, hoc totum verificatur etiam de quolibet homine justo et bono. XI. Item quod quicquid est proprium divinæ naturæ, hoc totum proprium est homini justo et bono, et propter hoc homo iste operatur, quod Deus operatur, et creavit una cum Deo cœlum et terram, et est genitor verbi æterni, et Deus sine tali homine nihil facere potest. XII. Item quod bonus homo debet conformare voluntatem suam voluntati Dei in omnibus, ut ipse velit Deo conformiter, quod ipse vult. Et quia Deus vult, me aliquo modo peccasse, ideo nolle ego, quod peccata non commissem, et haec vera est pœnitentia. XIII. Item quod si homo commisisset mille peccata mortalia, si homo esset ad talia dispositus, non deberet se velle ea non commisisse. XIV. Item quod Deus non præcepit proprie actum exteriorem, nec actus exterior est bonus, aut divinus, nec operatur in ipsum proprie Deus. XV. Item quod bonus homo est unigenitus Dei filius, quem Pater æternaliter genuit. XVI. Item quod omnes creaturæ sunt unum pure nihil. They held the highest distinction of man to be, to live as a part of the *Universal*, i. e. of God. In those who were conscious of this oneness with God, every inclination and impulse was divine, and every law which hindered its gratification, a hindrance to the perfect union with God. They supposed that

of wandering preachers,⁸ and writings in the German language,⁹ and by their heresies called once more into action the long dormant power of the Inquisition in Germany.¹⁰ To these Beghards belonged perhaps the Adamites, who appeared in Austria in the year 1312,¹¹

before the fall man had this consciousness of unity with God in its greatest perfection; and this state they wanted to restore. Hence the custom of assembling naked, the name Paradise for their places of assembling, and the promiscuous intercourse (see note 6) instead of wedlock, which, as an especial connexion with an individual, they considered a hindrance to the oneness with the Universal.

⁸ *Conradus de Monte Puellarum*, Canon. in Ratisbonne in the 14th century, says of the Beghards, in a fragment published by *Gretser* (appended to *Rainerius contra Waldenses*, Ingolst. 1613. 4to., also in the *Biblioth. Patrum Lugd.* T. XXV. p. 310): *Sunt enim hujusmodi viri rusticani, et plerique mechanici, corpore robusti, et literarum omnino inexperti ac penitus idiotae, aut si literas aliqualiter norunt, tenuissimum tamen est, quod sciunt. Hi opera manualia suorum postponentes artificiorum, cucullati gyrovagando provincias per diversas incedunt, et latebras querunt occultas, præcipue hospitiis Beginarum inhiantes, co quod simile suo simili complaudat. Quibus pro nocturno receptaculo in prima congreessione malitiae sue, coloratis verbis, insanias et ut plurimum infectivas seminant doctrinas. At illæ illorum in crastino promotrices, seu ut verius dicam copulatrices, ostiatim per domos cursitant mulierum, intimando sub arcani sigillo, asserentes, angelum verbi divini adesse occultum, quoadusque conventicula eisdem hypocritis placita congregentur. Quibus secretissime convenientibus in unum, labia sue malitiae resolvunt, de attributis in divinis atque de proprietatibus divinæ bonitatis disserendo. Et sic paulatim descendendo affirmant, qualiter ex pietate divina homo ad Dei imaginem creatus existat, et tantum mereri valeat per exercitium bonorum operum, ut Christo, Domino nostro, in humana anima sua a quo perfectus quis efficiatur. Talium etenim unum de Suevia natum ego in Ratispona reperi, qui jam prædictum et articulos alios in Clementinis prohibitos sub titulo de Hæreticis *Ad nostrum* (*Clementin.* Lib. V. Tit. 3. c. 3) diligenter affirmabat, etc.* These strolling preachers seem to be the Apostoli who are so frequently mentioned in connexion with the Beghards.

⁹ Such as those of Eeccard, see note 8. So too, Walter, who was burned in Cologne, see *Trithemii Chron.* Hirsaug. T. II. p. 155: *Loharens* [*Lohardus*] autem ille Waltherus, natione Hollandinus, Latini sermonis parvam habebat notitiam, et quia Romano non potuit, sermone sibi Teuthonico plures sui erroris libellos conscripsit, quos deceptis per se occultissime communicavit. Of *Gerhardi Beghardi* tract. de spirituali exercitatione reparacionis lapsus, see *Mosheim de Beghardis*, p. 376. Compare the edict of the emperor Charles IV. in A. D. 1369 (in *Mosheim*, p. 369): *Attendentes, — quod in partibus Alemanniae propter sermones, tractatus et alios libros in vulgari scriptos, inter personas laicas vel pene laicas dispersos, quos libros ut plurimum vel viciosos, erroneos ac lepra hæresis infectos laici legentes — a veritate auditum avertunt. — Quapropter districte præcipiendo mandamus universis, — quatenus in recipiendis, exigendis hujusmodi libris vulgari scriptis, — præsertim cum Laicis utriusque sexus secundum canonicas sanctiones etiam libris vulgaribus quibuscumque de sacra scriptura uti non liceat* (see § 86, note 26), — assistatis Inquisitoribus, etc.

¹⁰ About A. D. 1367, Urban V. appointed 2 Dominicans to be Inquisitors for Germany (*Mosheim de Beghardis*, p. 335), one of whom, Walther Kerling, soon made himself formidable to the Beghards. In 1369 the Inquisitors were vigorously supported by Charles IV. (*Mosheim*, p. 343). Gregory XI. increased the number of Inquisitors to four, A. D. 1372 (*Mosheim*, p. 380); Boniface IX., 1399, appointed six for the north of Germany alone (*Mosheim*, p. 384).

¹¹ See *Anonymi Auctoris brevis narratio de nefanda hæresi Adamitica in variis Austriae locis saeculo XIV grassante in Pezii Scriptt. Rerum Austriae. T. II.* p. 533. In A. D. 1312, there were numerous heretics detected in Krems, St. Hippolyt and Vienna, and many of them burned. Their offences: *Primus casus est, quod comparabant Missas Lucifero, credentes et dicentes, quod ipse adhuc cum*

and the Luciferians in Angermuende, A. D. 1336;¹² but certainly the Turlupines, who were exterminated from the Isle of France, A. D. 1372.¹³

§ 120.

FLAGELLANTS.

[*Jac. Boileau*] *Historia Flagellantum, de recto et perverso flagrorum usu apud Christianos.* Paris. 1700. 12mo. *Ch. Schättgen de secta flagellantum commentatio.* Lips. 1711. 8vo.—Dr. E. G. Förstemann die christl. Geiszlergesellschaften. Halle, 1828. 8vo.

Notwithstanding the easy terms on which the forgiveness of sins was now granted by the church, the practice of flagellation still continued in high repute amongst the devout. Among the common people also, in times of great calamity and distress, this means of

Michæle configeret, et de eo triumpharet, et quod tunc Lucifer, Angelique sui apostata cum credentibus, h. e. cum hæreticis, æterna gaudia possideant. Secundus casus est: Sanctus autem Michael cum suis Angelis in beatitudine jam existentibus, quisque credentibus, æterno deputetur incendio puniendum. Item dicunt se habere XVI Apostolos, annis singulis — climata mundi perlustrantes, ex quibus annuatim Paradisum introciant, auctoritatem ligandi et solvendi ab Helia et Enoch recipient, quam suis possent communicare credentibus. They denied that Mary was a virgin, rejected the sacraments and the worship of the church, and reproached the clergy. Quintam feriam noctem insomnem, diemque Parasceues in luxuria et voluptate, ac dissolutione repletioneque ventris in esu carnium — trahiscebant (because this was the great fast of the church). Further, of their hypocritical observance of Catholic customs, secret marks of recognition, &c. One of them, who was burned to death by St. Hippolyt, confessed: fateor hodie, si fides nostra per XV annos in suo robore persistisset, cogitaverimus eam publice prædicare, ac manu valida defensare. It is further remarked: raro est apud eos homo cujuscunque sexus, qui textum Novi Testamenti non sciat cordetenus in vulgari. In a persecution which took place afterwards, they resisted, see Catalogus Abbatum Glunicensium in *Pez.* l. c. p. 330: anno 1338, in civitati Laureensi et Styrensi, aliquis vicinis locis suborta est inquisitio hæretorum, et ab istis econtra persecutio Catholicorum, præsertim Cleri et Religiosorum. An account of these Austrian heretics is given also by *Jo. Vitoduranus*, p. 44 and 45 ad ann. 1336, and their meetings in hypogea sive aliis quibusque locis subterraneis described. It is to be observed, however, that the name hæresis Adamitica is found applied to these heretics only in the title of this anonymous work, which is plainly of a later date. The name was perhaps taken, therefore, from the Adamites, who appeared in Bohemia in the 15th century. It is uncertain, from the imperfect account we have of these heretics, whether they belonged to the brethren of the free spirit, or to the Cathari, who are found in these regions as early as the 13th century (see Epist. Yonis, § 87, note 15).

¹² *Chronicon Magdeb.* apud Meibom. II. p. 340.

¹³ *Mosheim de Beghardis*, p. 413 seq. Thus *Gregorii XI. Ep. ad Carolum V. in Raynald.* ann. 1373, no. 19: secta Begardorum, qui alias Turlupini dicuntur. *Jo. Gersonii Sermo de s. Ludovico* (Opp. et du Pin, T. III. p. 1435): Begardi et Turlupini de nulla re naturaliter data erubescendum esse dicebant. *Id. de examinat. doctrinarum*, P. II. Cons. 6. A. D. 1423 (T. I. p. 19): sicut nulla est vehementior quam luxuriosa libido, sic ad errandum falsumque docendum nulla perniciösior. Patuit in sectis Turlupinorum, quarum sequaces non desunt usque hodie, quando et ubi latere putaverint serpunt ubilibet.

appeasing the divine wrath was resorted to,¹ as more efficacious than those commonly used in the church. In the year 1348 a plague, which came from Asia into Europe, and spread its desolation far and wide,² led to the formation of various societies of Flagellants, first established in the north of Germany in the spring of 1349, and soon extending themselves throughout the land, as well as in the neighbouring countries.³ They conducted their exercises according to fixed rules, having no connexion with the clergy, and being solely under the direction of their own masters (*Magistri*);⁴ nor did they make any secret of their conviction that the means of salvation recommended by the church were far inferior in efficacy to their flagellations.⁵ Clement VI. prohibited their public processions, already very common,⁶ but this only led them to practise their penance the more zealously in private. The disgust against the church,

¹ Of the pilgrimages of the Flagellants in Italy, in the years 1334 and 1350, see Förstemann, S. 54.

² Called in Germany the *great death*, in the north the *black death*, see Kurt Sprengels Beiträge zur Gesch. der Medicin, Bd. 1. St. 1. S. 36 ff.

³ Of these, Cruciferi, Flagellatores, Flagellantes, see Heinr. a Rebdorff annales ad ann. 1349; Matthiæ Neoburg. Continuation by Albertus Argent. in Urstadius II. p. 147; Limpurgische Chronik, S. 10; Henricus de Hervordia in Bruns Beiträgen aus alten Handschriften, St. 3. S. 294; Jac. v. Königshoven's El-assische Chronik, S. 297. — Compare Förstemann, S. 64 ff.

⁴ See Jac. v. Königshoven, S. 298 (in Förstemann, S. 258): *Heinr. a Rebdorff* ad ann. 1349: *Isti flagellatores cum multis superstitiones attentare præsumerent, nimurum invicem se absolvere a peccatis, prædicantes apocrypha et similia, propter quod Laici sunt Clero graviter indignati.*

⁵ See the song of the Flagellants, fragments of which are given in the Limpurg Chronicle, but which are given more complete in a Low-German dialect, by Dr. H. F. Massmann (Erläuterungen zum Wessobrunner Gebet, Berlin, 1824. S. 39. Compare Förstemann, S. 267).

⁶ In the bull of the 20th of Oct. 1349, directed to the German archbishops, in *Jo. Trithemii Chron. Hirsaug.* II. p. 209; and in *Raynald.* ann. 1349, no. 20: *Sane molestia nobis — relatio — nostrum — turbavit auditum, quod in partibus regni Germaniae et ei convicinis quædam sub prætextu devotionis et agenda pœnitentiae vana religio et superstitione adinventio — surrexit, per quam profana multitudo simplicium hominum, qui se Flagellatores appellant, decepta verbis fictis et mendacibus malignorum, asserentium Salvatorem nostrum Jerosolymis Patriarchæ Jerosolymitanæ apparuisse (cum tamen a longis citra temporibus nullus ibidein præstantialiter fuerit Patriarcha), et sibi aliqua dixisse, quæ colorem non habentia nec saporem, in quibusdam scriptura sacrae obviare noscuntur, in illam cordis vesaniam et animæ damnationis præcipitum est deducta; — quod se per societas et conuenticula — dividens diversas circuivit patrias, ceterorum vitam et statum contemnendo se justificant, et claves ecclesiæ vilipendunt, ac in contemptum disciplina ecclesiasticae crucem Domini ante se, et habitum certum, nigrum videlicet, ante et retro ipsius vivificæ crucis appensum habentem signaculum, sine superioris licentia deferentes; sub nomine pœnitentiae vitam gerunt insolitam; congregations, conuenticula et coadunations, quæ a jure sunt prohibitæ, faciunt, et ad alios actus prosiliunt, a vita et moribus observantiaque fidelium Christianorum penitus alienos; ordinationes etiam et statuta, quibus utuntur, imo verius abutuntur, propria temeritate fecerunt, erroris suspicione non vacua et judicio rationis carentia. After the prohibition follows the limitation: *Per predicta tameu nequam intendimus prohibere, quin Christifideles impositam sibi pœnitentiam, vel etiam non impositam, dummodo recta intentione et pura devotione ad illam peragendam procedant, in suis hospitiis, vel alias, absque superstitionis congregations, societatibus et conuenticulis supradictis possint facere.**

which persecuted a work so well pleasing in the sight of God merely from interested motives, led them now to associate themselves together more closely, and thus, with the help of the Beghards, there sprung up the heretic *sect of the Flagellants*, sometimes comprehended under the more general name of Beghards.⁷ This sect continued in Germany (found especially in Thuringia) till the Reformation, and was always much dreaded by the church.⁸

⁷ First trace of them in the letter of Gregory XI. to an Inquisitor in Germany, in *Raynald*, ann. 1372, no. 33: cum, sicut accepimus, pestis illorum haereticorum negantium ecclesiastica sacramenta, qui appellantur Flagellatores, in nonnullis Alamannie partibus — dicatur exorta, etc. *Trithemius* in *Chron. Hirsaug.* T. II. p. 296, relates, that in the year 1392, the papal Inquisitor in Würzburg discovered haereticos nonnullos ex simplicioribus et rusticis de secta Flagellantum et Fratricellorum, and afterwards in Erfurth simili pravitate infectos, Beghardos, Beguttas et alios, quorum aliqui cremati sunt ignibus, aliqui vero pénitentiam egerunt super erroribus suis, reliqui fugam inierunt.

⁸ The first full account of their doctrines, in the investigation which took place at Sangerhausen, 1414, where the Dominican Henry Schönefeld compelled some of them to retract, and burned 91 at the stake. See their 50 articles in *Theod. Vrie hist. Conc. Const. P. III. Dist. 13* (in v. d. *Hardt Conc. Const. T. I. P. I.* p. 126) and *Cyr. Spangenberg's Chronik v. Sangerhausen* (in *Buders nützl. Sammlung verschiedener meist ungedruckter Schriften*, Frankf. u. Leipz. 1735. S. 335 ff.). I. Quod secta crucifratrum, qui ad LX annos vel circa semetipos flagellando cum cantu per mundum transiverunt, originem habuerit ex quibusdam literis, quas Angeli sancti Romae super altare b. Petri de cœlo portaverint. II. Quod ante LX annos, cum se ipsos flagellando crucifratres transiverunt, Deus Papam Romanum et omnes Episcopos, cæterosque prælatos et sacerdotes, ne deinceps populo in spiritualibus praesent, licentiarit, et omni auctoritate ligandi et solvendi, aut quaseunque res consecrandi cosdem simpliciter privarit. III. Quod, sicut in expulsione negotiatorum de templo propter sacerdotum malitiam Christus repudiavit et abjecit sacerdotium Iudaicum: ita in transitu crucifratrum propter presbyterorum nequitiam Deus licentiarit et abjecerit sacerdotium Evangelicum. VI. Sacerdotes baptismum aquæ et aliorum sex sacramentorum legem prædicando docentes, sint seipso cum populo eisdem credente spiritualiter occidentes. IX. In transitu crucifratrum lex baptismi aquæ deposita a Deo, et lex baptismi proprii sanguinis instituta. XII. Quod post transitum crucifratrum nemo potuit salvari et verus existere Christianus, nisi in proprio sanguine cum flagello de corpore suo excusso baptizaretur, et flagellatorum esset consecraneus. XV. Quod Deum et corpus Christi non contineat sub se realiter altaris sacramentum. XVI. Quod si hoc esset verum, quod in sacramento altaris esset veraciter Christus Deus, diu esset devoratus, etiam si esset mons ingens et magnus. XIX. Quod si Christus sit veraciter in sacramento altaris, tunc Juda traditore, qui eundem Christum dedit pro XXX argenteis, sacerdotes moderni pejores existant: quia Christum pro uno denario vendunt. XXII. Qui sacerdotti confitetur, non plus munditia acquirit, quam qui sui lutosæ se allidit. XXIII. Quod omnia peccata, quantumunque enormia, tollat sola proprii corporis flagellatio spontanea. XXIX. Quod post inchoationem sectæ flagellatorum nullus more Romanae Ecclesiae septem sacramenta percipere potuerit, qui in ipsorum perceptione mortaliter non peccaret. XXXIV. Quod Antichristus diu regnarit et regnet, et quotidie imminet dies judicii. Quod Elias et Enoch jam in mundo apparuerint, et diu sint mortui. XXXV. Quod Antichristus, qui diu jam regnarit, sint Prælati, Presbyteri. Qui omnes Antichristi sint et dicantur, quod sectam flagellatorum infestant et persequantur. XXXVI. Quod Elias jam mortuus sit, qui fuerit quidam Begardus, qui ante XLVIII annos propter haeresin in Erfordia combustus est. XXXVII. Quod Enoch, qui jam de sæculo diu migrarit, fuerit Conradus Smet (Schmidt), qui haereses supradictas primus in Thuringia publicavit. XLII. Quod ultimum iudicium in die novissimo non instituturus sit Christus, sed Conradus Smet, flagellatorum

This warning example, combined with the natural mistrust of the hierarchy towards all spiritual excitement, not originating in themselves, decided the fate of the later Flagellants. In the year 1399 a society of this character, the White Brethren (Bianchi),* descended from the Alps into Italy, and were every where enthusiastically welcomed both by the clergy and the populace. But no sooner had they reached the papal territory than their leader was put to death, and the whole array dispersed.⁹ After this processions of Flagellants were led through Italy, Spain, and the south of France by the Dominican Vincentius Ferrentius, who may perhaps have been the secret instigator of the White Brethren.¹⁰ But such processions having been condemned at the council of Constance,¹¹ he also discontinued them.

§ 121.

DANCERS.

See Förstemann (as cited § 120). p. 224 seq.

Whilst the sects hitherto mentioned were supposed by their contemporaries of the orthodox church to serve the spirit of evil voluntarily, the Dancers, who appeared on the Rhine and in the Netherlands in the year 1374, were thought to be possessed by him against their

hæresiarcha. XLIII. Quod, quamvis omnia juramenta, qualitercumque fiant, sint peccata mortalia, eligibilius tamen sit, flagellatores coram Inquisitoribus jurare, et multa committere perjuria, quam se et sectam prodere: quod possint juramenta et perjuria postmodum cum flagello expiare. XLIV. Quod post hanc vitam non sit aliquod animarum purgatorium. Quare defunctos non juvent suffragia vivorum. XLVI. Quod crucem Christi et imagines gloriose virginis aliorumque sanctorum nullus debeat adorare, quia in ipsorum adoratione committatur idolatria. L. Quod existentes in prædicta nova flagellatorum secta sacerdotes venerentur, et Ecclesiæ sacramenta percipiunt, eorundem mandatis obtemperent, et oblationes et jura solvant in jejuniis quatuor temporum, et aliis fidelibus conformentur, et sanctorum imagines et festa colant, solum propter hoc, ne ab hominibus notentur; et postmodum de hoc pœnitentes flagello se percutiant.

* So called from their dress of white linen. See *Mosheim*, cent. 15. — Tr.

⁹ See the account of contemporaries in Förstemann, S. 104. Of the execution of their leader, *Platina de vita Pontificum in vita Bonifacii IX*: Sunt qui scribant hujus fraudem quæstione detectam fuisse, hominemque in tanto facinore deprehensum meritas pœnas luisse, igne scilicet, quo exustum ferunt. Sunt etiam qui dicant, nil fraudis in hominem deprehensum fuisse, sed id fictum a Pontifice, abolendo rumori, quo hominem per invidiam captum et necatum affirmabant. Utrum verius sit, Deus novit.

¹⁰ See Acta SS. ad d. 5 April. T. I. p. 475 seq. Förstemann, S. 142 ff.

¹¹ *Jo. Gersonii Epist. ad Mag. Vincentium contra flagellantes* (Opp. ed. du Pin II. p. 658): Crede mihi, Doctor emerite, multi multa loquuntur super prædicationibus tuis, et maxime super illa Secta se verberantium, qualem constat præteritis temporibus fuisse pluries et in variis locis reprobata, quam nec approbas, ut testantur noti tui, sed nec efficaciter reprobas. Epist. Petri Card. Cameracensis ad eundem (ibid. p. 659) *Jo. Gersonii tract. contra sectam flagellantum se* (ibid. p. 660).

will, and were therefore exorcised.¹ In the year 1418 the same phenomenon appeared in Strasburg, on which occasion the holy St. Vitus was resorted to for aid.²

CHAPTER EIGHTH.

ATTEMPTS AT REFORM.

§ 122.

IN BOHEMIA.

In proportion as the papal power became more irresistible and fearful, the heretical parties assumed more and more the character of fanaticism, and, despairing of any reformation within the church, sought to lay the foundations of their religious faith without it. But the power of the popes being thus diminished, a more rational spirit of reform was developed in the church itself, which, acknowledging the church as the true foundation of Christian faith, sought only to purify it from the abuses that had crept in.

In these attempts at reform there was, however, an essential difference. For the most part they aimed only at external reformation; seeking, namely, to set bounds to the papal power, and to restore the discipline and virtue of the clergy, without going deeper into the sources of the evil. The *Mystics* were nearer the truth in avoiding the over estimation of externals, and endeavouring to revive inward religion. But, on the other hand, they were too exclusively engaged in the pursuit of their peculiar object, and their religion was of too transcendental and dreamy a character to allow them accurately to examine, and rightly to understand the general state of the church.

The true Reformers were distinguished by this:—that they looked for the evil not in single abuses, but in the pervading spirit; and this spirit it was their aim to renovate. Amongst these “testes veritatis,”

¹ *Radulphi de Rivo*, Decani Tongrensis († 1403) gesta Pontiff. Leodiensium, c. 9 (in Chapeaville *Gesta Pontiff. Leodiens.* T. III. p. 19): Anno 1374, mense Julio — admirabilis hominum secta ex superioribus Germaniae partibus primo Aquisgranum, inde Trajectum, et tandem circa mensem Septembrem Leodium advenit. Horum tale erat institutum. Utriusque sexus homines a dæmonibus possessi seminudi sertis capita eingebant, choreas non in plateis tantum, sed et in Ecclesiis et domibus absque ullo pudore ducebant, nomina Dæmonum hactenus inaudita in carminibus suis usurpabant: choreis fuitis eos Dæmones gravissimis pectoris doloribus cruciabant, ita ut nisi nexibus quibusdam umbilicatum fortiter stringerentur, magnis furiosisque ululatibus se mori proclamarent. — Causam hujusmodi secte Diabolicae non aliam viri prudentes assignabant, quam fidei et præceptorum Dei, quæ per id tempus regnabat, crassam ignorantiam. Non deerant tamen e vulgo, qui in sacerdotes concubinarios culpani rejicerent, quod per eos minus recte pueri baptisarentur, etc. See Limpurgische Chronik, § 122.

² See Schilters Aumerkung zu Jac. von Königshoven Chronik. S. 1087.

many no doubt have been since reckoned by Protestants, who did not deserve such honor,¹ and of others we have only passing and imperfect notices;² still the 14th century can boast of many whose right to be so reckoned is beyond dispute. The foremost of these are three of the Bohemian clergy, who, fired with pious indignation at the mechanical worship and the dead hypocrisy which prevailed, directed their undaunted attacks against the Mendicant monks, to whose influence they chiefly ascribed this corruption.

The first was Conrad Sückna (Conradus ab Austria), a preacher at Prague († A. D. 1369).³ He was followed by John Milicz,⁴ who voluntarily resigned the office of archdeacon of Prague, and took that of sacristan, and by his preaching produced the most extraordinary

¹ e. g. Joh. Munsinger, rector of the school in Ulm (mentioned by *Flacius catal. testimoniis veritatis*, no. 315, and elsewhere), on account of his opposition to the worship of the sacrament. The propositions for which Munsinger was declared a heretic by the Dominicans in Ulm, A. D. 1385, were the following (*Schelhorn anænitates literariae*, T. VIII. p. 511, l. c. T. XI. p. 222): Corpus Christi non est Deus. Nulla creatura est adoranda adoratione qua Deus debet adorari, adoratione scil. latræ: *hyperdulia* debetur creaturæ excellenti, sicut est caro Christi, b. Virgo, etc. Further: Hostia consecrata non est Deus; Deus est sub hostia consecrata, corpus ejus, sanguis et anima. Namely, per hostiam intelligentia accidentia qua sunt in pane, rotunditate videlicet, saporem et gravitatem. He denied the propriety of calling the hostia the corpus Christi, quia accidentia visa non sunt corpus Christi, licet intus sit corpus Christi. Therefore it was better to say, hic esse corpus Christi sub specie panis. Munsinger only objected, therefore, to considering the visible head to be Christ himself; but by no means denied that Christ should be prayed to, sub specie panis: hence his propositions were approved by both the universities.

² Thus of the layman Franz Hager, in Würzburg, A. D. 1342 (not Conrad Hager, as the name is given by *Flacius catal. test. verit. no. 305*), we know only that he was forced to retract the assertion that the saying of masses for the dead had neither any merit nor use: and of the priest, Hermann Kühner, who was supposed to be a Beghard, that he asserted shortly after, that the popes and bishops were no greater on account of their office than other priests. See *Gropp collect. noviss. Scriptorum Wireburg.* T. IV. (Wirecb. 1750. fol.) p. 108; *Ludewig Gesch. vom Bisth Würzburg* (Frankf. 1713. fol.), S. 626.

³ Of whom, see especially *Bohuslai Balbini epitome historica rerum Bohemicarum Prag.* 1677. fol. Lib. IV. p. 406. His contemporary, the Canonicus at Prague, Benessius de Weitnail, says of him, according to the account of Balbin, ex Ms., inter maximos ætatis suæ Concionatores habitum, zelo divino accensum usurarios potissimum et injustos possessores, item luxum vestium et Simoniacam pravitatem exagitasse; ob eam causam a Religiosis quibusdam gravia passum, a quo animo tulisse omnia, eo quod esset vir perfectæ charitatis. At a later date, *Andreas de Broda*, a theologian of Prague, in an Epist. ad Jo. Hussum (in Jo. Cochlaei hist. Hussitarum, Mogunt. 1549. fol. lib. I. p. 42): Si non esset causa alia, præterquam hæc, quod prædicatis contra Clericos, nullus vos, ut aestimo, excommunicaret. Nam et antiquis temporibus *Militius*, *Conradus Styckna* et ali quæ plurimi contra Clericos prædicaverunt, nullus tamen propter hoc excommunicationis fuit sententiæ subditus. Ballinus had seen also a large work of Conrad's in Ms. entitled *Accusationes Mendicantium*, in quo et accusat Mendicantes Religious, et eorum responsiones ad sua objecta iterato refellit.—qui ejus quædam opera legerunt, putant, cum nimium licenter de sacris personis loqui, atque etiam in Episcopos et Clerum acerbas invectivas componere.

⁴ His life, by a pupil, in *Balbini Miscellaneis historicis regni Bohemiæ Decadis I.* Lib. IV. Tit. 34, p. 43 (Prag. 1682. fol.). cf. *Balbini Epitome*, p. 407, and *Audacti Voigt Acta literaria Bohemiae et Moraviae*, vol. I. (Prag. 1775. 8vo.) p. 216.

effects. At the same time he excited the clergy, and in particular the monks, against him to such a degree that he was accused at Rome as a heretic.⁵ He repaid thither himself, and was acquitted, but died soon after (A. D. 1374).⁶ Matthias von Janow (Magister Parisiensis, † A. D. 1394)⁷ went even farther in the energy with which

⁵ Vita in *Balbini* Miscell. l. c. p. 45: Quamvis in principio suæ prædicationis paucum populum habere videretur, et licet etiam ab aliquibus propter incongruentiam vulgaris sermonis derideretur, he still persevered: et sic per ejus assiduum prædicationem et austeritatem correctionum primo aperiebantur aures surdorum, — et post ecepit populus affluere et admirabantur turbæ laudantes nomen Domini, etc. In A. D. 1367 he went the first time to Rome to preach there, but was put in prison; and the mendicants in Prague announced already in their sermons: Charissimi ecce jam Militius cremabitur (Vita, p. 51). Having returned in safety, his zeal and eloquence had such an effect, ut etiam publicæ meretrices de prostibulis per ejus prædicationem ad pœnitentiam converterentur; and he changed for them the prostibulum Benatky (*Venetias*) nuncupatum into a conservatorium conversarum (Vita, p. 55). At length, however, he fell a victim to the hatred and envy which his success excited, Vita, p. 58: Malignus spiritus — Prelatos, Plebanos, Religiosos ad furorem in eum suscitavit, ita ut prædicationem sibi saepius prohiberent, et hæreticum cum appellarent. p. 59: ei verbis multis ac probrosis conviciabantur, inter cætera vero dicebant: a principio prædicationis tuæ nunquam pace fruimur, sed semper disturbia multa patimur. — Quem saepius et Beghardum, et Hypocritam, et Sodomitanum appellabant. — Postremo vero in tantum fuerunt in furem concitati, quod et 12 articulos falsos et mendaces construxerunt, et eos ad Curiam Romanam — miserunt. The Pope commanded the archbishop of Prague to investigate the matter (*Raynald*, ann. 1374, no. 10): and applied to Charles IV. for the necessary assistance (*ibid.* no. 11). In a letter to the last, we read: Plurimum fide dignorum relibus nuper ad nostrum pervenit auditum, quod quidam Mileczius presbyter, olim canonicus Pragensis, sub specie sanctitatis, spiritu elationis et temeritatis assumpto, et prædicationis officio (quod sibi non competit) usurpato, multos errores non solum temerarios et iniquos, sed etiam hæreticos et schismaticos, utique nimium scandalosos et periculosos, fidelibus, præsertim simplicibus, dicere, publice prædicare in tuo regno Boëmia et aliis terris tuis præsumpsit hactenus et præsumit; nonnullas personas utriusque sexus ad ejus sectam, quam damnabiliter inchoavit, ac in errores detestabiles et reprobados actus — inducendo, prout in quibusdam articulis scriptis in schedula inclusa præsentibus continetur. These Articuli are no longer extant.

⁶ That he was fully acquitted before his death is evident from a diploma of the strictly Catholic Charles IV. (*Balbini* Epist. p. 408), in which he is called bonæ memoriae honorabilis Milicius, quondam devotus noster dilectus.

⁷ His works, in Ms., are thus enumerated in *Balbini* Bohemia docta ed. ab Raph. Ungar. P. II. (Prag. 1778. 8vo.) p. 178: De frequenti communione; Hypocrisi; Unitate Ecclesiae; Antichristo et præceptis Domini; De abominatione in Ecclesia Dei; Regula veteris et novi testamenti. *Cochlaeas* hist. Hussit. lib. VI. p. 227, cites a passage from a work entitled Parisiensis liber vitorum. — Now Theobald (Hussitenkrieg, Th. 1, cap. 2) says that Matthias' work de Antichristo has, by mistake, got among Huss' writings, and is printed in his Opp. Hence Schröckh, Th. 34, S. 372, supposes the Liber de Antichristo et membrorum ejus anatomia in Historia et monumenta Jo. Hus atque Hieron. Pragensis. Norimb. 1715. T. I. p. 423, to be a work of Matthias; but, probably, as will presently be seen, without sufficient cause. — In the collection of Huss' writings the work De sacerdotium et monachorum abhorrenda abominatione desolationis in Ecclesia Christi. T. I. p. 473, does probably (though it has never been suggested) belong to Matthias; for *Jo. de Przibrnam*, A. D. 1430, in his Professio, appended to *Cochlaeas* hist. Hussit. p. 528, cites a passage from Mag. Parisiensis lib. de abominatione, c. 83, which is found word for word in that work of Huss, c. 82. Matthias must have written it in 1392; for, according to p. 513, the work de novissimorum temporum periculis (see above, § 69, note 5) had been written 136 years. Now in the lib. de abominatione the author several times cites his Tract. de Antichristo,

he denounced the religious abuses of the time, insisting on inward religion, and inveighing bitterly against the mere external worship of the age, the worldliness of the clergy, and the hypocrisy of the monks.⁸

and from these citations it is evident that this is not the Lib. de Antiehr. et membrorum ejus anat., but that probably we have a part of it in the fragment De mysterio iniquitatis Antichristi (Hist. et monum. Jo. Hus. T. I. p. 603 seq.) — Comp. p. 512, 557, with 610; p. 515 with 611; p. 586 with 612. (The second fragment also, De revelatione Christi et Antichristi, p. 615 seq., may, perhaps, belong to Matthias; comp. the citation p. 476 with p. 621.) This is confirmed also by the citation in *Flacii catal. test. verit. no. 316*. Flacius had the lib. de Antichristo of John Militius as well as that of Matthias.

⁸ *Matthiae lib. de Sacerdotum et Monachorum abhorrenda abominatione desolationis in Ecclesia Christi in Hist. et monum. Jo. Hus. T. I. p. 473 seq.* Cap. 1: Notanter dicit hic Propheta (Hos. v. 1), Sacerdotes esse laqueum factos speculatiōni, i. e. custodiāe populi Dei. Et ista est horrenda abominatio in templo, quod populus, a quibus deberet custodiri, ne labatur in idolatriam vel peccatum, illi facti sunt ei laqueus ad capiendum: et per quos deberet educi de laqueis, ab illis involvitur ad laqueos. Non enim tantum propter nostram indignam conversationem et contagiosam nos, o sacerdotes, facti sumus laqueus custodiāe Christianorum, sed quod est magis, — dum loquimur in ambone, praeſertim ea de causa, quod communiter accidit, puta quod quidam sacerdotes sua opinata affirmant, — idem alii quidam ex adverso positi negant. — Cap. 3: Illa nocentissima abominatio in Dei Ecclesia, puta controversia inter Sacerdotes, et maxime tunc et manifeste [finivit], quando Religiosi falsi sunt multiplicati per Ecclesiam et invaluerunt. — Ubiunque nondum manent Religiosi, vel non visitant ibidem communiter, ibi stant bene Sacerdotes concorditer ad invicem, et plebs est sine distractione et dissensione. — Cap. 21: Væ, vñ illis, qui faciunt multas promissiones in populis, et excogitant atque adinveniunt multas justificationes peccatoribus! — Veluti est promissio multarum indulgentiarum in festis suis vel locis, ut habeant per hoc nomen, et prā aliis accusum et applausum populorum: promissio literarum ab omni pena et culpa, promissio communionis fraternitatum, et omnium orationum vel Missarum, vel aliorum bonorum, quæ per confrates exercentur, etc. — quæ nec ipsi certi sunt, si acceptabilia sunt Deo, imo plus odibilia Deo. — Cap. 30: Veruntamen, salvo iudicio meliori, ego puto coram Domino dulcissimo Jesu crucifixio, tunc illa omnia habuisse suum initium, quando Dominus Apostolicus contraxit ad se omnia beneficia et officia Ecclesiæ, pro sua voluntate dispensando, et incepit dispensatione beneficiorum totius Ecclesiæ occupari, atque distributione bonorum temporalium se ipsum aggravare, et conferre multa privilegia, et exemptiones ab obedientia infinitis personis, puta ut essent sibi soli subjecti, et a suis immediatis Prælatis exempti, — habentes potestatem super terrenos (*leg. alienos*) subditos confessiones audiendi, et auctoritatē prædicandi quæ volunt, et per consequens impediendi Dominos Curatos, et Ordinem sanctissimum conturbandi, alias Ordines excogitando. — (Satan) abduxit Christianos — a primæva ipsorum dignitate et sanctitate — ad quandam mirabilem simulationem, et Deo nimis abominabilem conversationem, compositam ex vitiis et speciebus sanctitatis, religionis et virtutum, facientibus solum apparentium splendidae et laudabiles apud homines, sed nequam apud Deum. Ita, dico, abduxit spiritualiter et successive a virtutibus pulcherri-
nis et dulcissimis, et a rigore ipsarum ad quandam vanitatem vitæ, et tepiditatem abominabilem solum consuetudinum et rituum Ecclesiæ Romanæ, similiter in facie bene apparentium, sed in veritate Dei mortuorum, et desolatorum a Spiritu Jesu crucifixi: ita ut omnia fere Christianorum jam decora et honesta, sint solum quasi pulehra imago exterius pieta sine spiritu et vita, sint quoque justitia hominum propria, nimis remota a justitia Dei. — Seduxit, inquit, tali modo — populum Christianum, ut omnia turpia et omnia vitia, quæ in primitivo populo tantum erant horribilia et abusiva, — sint usitata, — excusata. — Et non solum hoc, sed etiam viceversa, qui alienant se strenue ab exercitu talium et a contubernio propter Domini Jesu timorem et amorem, mox a vulgo Christiano hujus mundi convicianter et confunduntur, et nota pessima singularitatum vel haeresum criminantur: propter quod tales homines devoti, qui similia vulgo profano non agunt, Bechardi

vel Turpini, aut aliis nominibus blasphemis communiter jam nominantur. — Cap. 37: Dei Ecclesia nequit ad pristinam suam dignitatem reduci, vel reformari, nisi prius omnia fiant nova. — Credo, — quod jam tunc surget novus populus, secundum novum hominem formatus, qui secundum Deum creatus est: ex quo novi clericis et sacerdotibus provenient et assumentur, qui omnes odient avaritiam et gloriam hujus vitae, ad conversationem celestem testando. — Veruntamen Dominus piissimus Jesus Christus hoc opus, puta innovationis Ecclesiae sue, jam in nostris temporibus, i. e. a 50 vel 70 annis,cepit valde accelerare, exercens sua judicia manifesta in Christianis per orbem universum. — Cap. 60: Ad hoc comparandum (quod fieret aestimatio communis, — quod bene Deo servitur fruendo pace et deliciis hujus vitae), Diabolus omnem religiositatem in Ecclesia multiplieat in convenientibus et personis, et per consequens omnem sanctitatem et faciem pietatis et gratiae in verbis et habitu exteriori, sed omnia solum ad extra et secundum faciem corporalem, et sine spiritu Jesu crucifixi. Multiplicavit insuper — omnem decorum et honestatem in Ecclesiasticis, vel saltem illa omnia accepit sibi in adminiculum seducendi Christianos ad amorem hujus saeculi. — Inde etiam idem Satan — multiplicavit promissiones infinitas, et magnas in Dei Ecclesia peccatoribus et amatoribus talibus hujus saeculi justificationes multas inventias humanas, aut ipsas convertit ad suam fortiorum deceptionem, ut Christiani in illis sibi blandirentur, et constituentur suam spem salutis, non habentes ad Jesum crucifixum fidem charitatem et ad proximos, et habentes vitam totaliter carnalem. — Item ob id perniciis vel procuravit fieri — scientias adinventias et recentes, quae aequaliter vel magis quam scientia Dei — sunt autenticae, tremendae, et maxima auctoritatis. — Multiplicata sunt ad haec mandata et ceremoniae hominum infinitae, et ut tantum essent tremenda et tanta auctoritatis, quemadmodum Dei summi precepta, praedicantur et docentur, et cum magna distinctione imperantur. — Multiplicata sunt quoque multa incerta corporalia, simpliciter nullam virtutem in se ipsis habentia, nullam efficaciam salutis, nullam sanctitatem Spiritus Jesu, nullam auctoritatem ex Deo vel Scripturis, quae quia sunt in se recentia et nova, et splendida coram hominibus, et quasi stupenda, et celberrime praedicantur, commendantur et famantur, vulgus ea accipit nimis ardue, colit et adorat strenue, trenit coram ipsis, et virtutem quandam magnam et suffragia ponit, quod in talibus corporalibus — et per talia sit Deus colendus et inquirendus. — Cap. 82: Hypocrita, et maxime sacerdotes amici hujus saeculi, habent illud de more, quod sanctos Dei, qui sunt in celis, multum nimis solemnis et extollunt: sanctos vere Christianos secum adhuc in hac vita pauperes et humiles contemnunt et persecuntur. — Sanctorum in celis ossa et reliquias sumptuose procurant auro, et serico contingunt, sed pauperes sanctos degentes cum eis in hac vita admittunt fame et siti cruciari, et nudos pati gelu et frigora. — Et hoc communie est apud ipsis, illustres viros et sanctos mortuos laudare et glorificare supra modum, sanctos vero illustres et conviventes vituperare, et ipsorum facta virtuosa detractione obnubilare. — Sanctos tamen jam in celis singulariter hypocrite sacerdotes saeculares libenter pro eo diligunt et solemnis, quia in nomine ipsorum multa et magna bona a populis Christianis sortiuntur, habentes pingues praebendas, et altaria, multa offertoria, multa festa, multas distributiones pro nomine et in nomine Sanctorum jam in celis. Nam simili causa affecti et animabus in purgatorio faciunt multa obsequia, et valde promovent ad populum facienda. — Cap. 83: The Mulier ebria de sanguine Sanctorum (Apoc. xvii. 6) he explains de multitidine hypocitarum, qui secundum communem consuetudinem nunc Ecclesie vocant Religiosi. — Nulli etenim magis proprie comedunt peccata populorum, sicut ipsi, et bibunt et inebriantur. — In isto tamen valde talium ebrietas sanguinis ostenditur evidenter, puta quod in tantum placet ipsis peccata populorum comedere et potare, quod otiosam vitam et quietam continuantes, accipiunt multas oblationes et donaria magna tradita pro peccatis, quod non audent hominibus peccatoribus annunciare peccata ipsorum vel aggravare, quinimo magis peccatis blandiuntur et excusant. — Non enim facile audebunt hominibus displicere hi qui — de gratia sola expectant sibi aliquid projiciendum a plebeis alienis. — Et ex eadē necessitate compelluntur violare veritatem Jesu crucifixi et virtutem apud populum blanditiis etiam solum pro pugillo hordei et fragmine painis. Hoc autem non facile contingit ordinario Sacerdoti, qui de certa Ecclesia potest habere et suam vitam i. e. victum et amictum. — Et super hoc amplius vigilare eos oportet omni speciei religionis et pietatis, utpote templis eorum de magno sumpto et adornatissimis omni supellectile pulcherrima et delectabili in

These men have with right been considered as the precursors of Huss;⁹ but the notion that their efforts had any reference to the revival of the ancient Greek-Sclavonian form of worship, supposed to have been still kept up, and especially the restoration of the cup in the communion-service, is only an unfounded conjecture of later Hussite writers.¹⁰ Matthias von Janow, alone, made perhaps an attempt to bring about this last object.¹¹

aspectu populorum, ita ut omnia sint munda coram hominibus ordinata, quatenus perinde extrahendi a plebibus alienis magis donaria et multam eleemosynam, multam haberent occasionem et nimium coloratam. — Insuper — habent communiter necesse multiplicate loqui de orationibus, cantare ornate in suis pulchris templis, multiplicare missas, etc. — Hence their multæ festivitatem gloriose sanctorum rum Dei in celis, — multæ sanctorum reliquæ, — pulcherrimæ picturæ et statuæ, quæ faciunt insignia portenta et miracula magna. — Et tunc dcinceps nequaquam est omnitudine, quia talia omnia et cum multo additamento exquisite in populis divulgantur, — proclamentur, ut sciant Christiani, ubi vel qua suam salutem debent providere. Enimvero indulgentiæ magnæ et magna promissa omnibus accurritibus, et gratiæ vix ab hominibus credibiles, alias ita autenticae, et a Dominis Apostolicis ita roboratae per testes et per bullas, quod non est plus homini de ipsis nullo modo dubitare. Nam etsi contradiceret, vel non crederet, indignationem Dei omnipotentis incurreret. Et forte plaga manifesta puniretur, sicut jam multi, inquiunt, pro simili incredulitate sunt puniti. — Et ista talia sunt multa nimis et magna per universam Dei Ecclesiam, quæ omnia non redolent nisi applausum populorum, et sine virtute promissionis pietatis eorum, qui quæstum reputant pietatem, etc.

⁹ In particular by the Hussites and Protestants, amongst whom, however, this very view has led to many wholly unfounded traditions. One of these is that the archbishop Zbyniek (Sbynko) of Prague, 1410, caused the writings of John Milicz and Matthias of Janow, to be burned together with those of Wicliffe. The only authorities for this opinion are : Hagek's († 1553) böhm. Chronik, S. 659 : "It is said by some that many other writings besides those of Wicliffe were burned;" and Procopii Lupacii († 1587) Calendarium hist. ad d. 16 Jul. Feruntur tum et plurimi libri esse concremati Joannis Militii, Mag. Matthiae cognomine Parisiensis, etc. In the decree of condemnation, however, which is extant in Huss' Appeal (*Hussii Opp.* I. p. 113), and in this Appeal itself no mention is made of any but Wicliffe's writings, so that the tradition to the contrary, which is one hundred and fifty years later, has little probability. See *Balbini Bohemia docta*, P. II. p. 178. — Joh. Milicz is mentioned as a heretic by the annalists, Raynaldus, Spondanus, and Bzovius, ad ann. 1374. On the other hand, most of the Catholic Bohemian writers since Balbinus, have defended all three of the above mentioned men as orthodox.

¹⁰ Paulus Stransky de republica Bojema, 1633, c. VI. § 5 (also in Goldasti comm. de regni Bohem. juribus ed. Schinickii, Francof. ad M. 1719. fol. T. II. p. 511), is the first who maintained this view, though without mentioning the cup in particular. He was followed by Jo. Amos Comenius (historia persecutionum Ecclesiæ Bohemicæ. 1648. p. 19 seq., and historia Fratrum Bohemorum. 1600. ed. Buddei, p. 6), who mentions that those three men advocated the restoration of the cup. He has been followed by all the later writers, especially by Augustin Zitte in his uncritical and legendary Lebensbeschreibungen der drey ausgezeichnetsten Vorläufer des berühmten M. Johannes Hus. Prag. 1786 (in d. Kurzen Lebensbeschreibungen berühmter Männer Böhmens, Bd. 1), to which Schröckh also, Th. 34, S. 566, gives too much weight. The grounds for rejecting the hypothesis are, 1. That in the older authorities there is no trace of a Greek-Slavonic ritual in the time of Charles IV., and the persecution thereof; so far from it, that this emperor built the convent Einmaus in Prague, 1347, for the introduction of the Latin-Slavonic ritual. See Dobner in den Abhandl. der Böhmischen Gesellsch. der Wissensch. auf 1785, S. 174 f. 1786, S. 433; and 2. That in the numerous works called forth by the introduction of the cup by James de Misa, there is (with

§ 123.

JOHN WICLIFFE.

Henrici de Knyghton (Canon at Leicester, a contemporary of Wycliffe) de even-tibus Angliae usque ad ann. 1295 (in *Rog. Twisdeni Scriptt. X. hist. Engl. Lond. 1652. fol.*). — *Thomæ Walsingham* (a Benedictine in St. Alban about 1440) Hist. Anglica major (in *Camdeni Scriptt. Rer. Engl. Lond. 1574. Francof. 1602. fol.*).

The chief works are: The History of the Life and Sufferings of John Wycliffe, by *John Lewis*, London. 1720. 8vo.; and the Life and Opinions of John de Wycliffe, by *Rob. Vaughan*. London. 1829. 2 vols. 8vo. — For a general view, see also Wilh. Gilpin's Lives of the Reformers. 2 vols. 8vo. Lond. 1809.

But in England there now appeared a reformer, who, favored on the one hand by the indignation of the people at the ill-treatment they had experienced from the popes, and on the other by the mistrust of the government of a power, which they knew to be entirely under French influence, instituted an examination as fearless as it was impartial, not only into the customs, but the doctrines of the church.

John Wycliffe, Fellow of Merton College in Oxford, and distinguished for his learning and acuteness,¹ first came forward in the controversies of the university with the Mendicant orders, A. D. 1360,² proclaiming fearlessly the corruption of these orders.³ In the year 1366, Edward III. having freed himself with the help of his

the exception of that mentioned in note 11) no reference whatever to any former attempts of the kind.

¹ *v. d. Hardt Conc. Const. T. III. Prolegg.* p. 20, relates, as extracted from the transaction of the Bohemians at the council of Basil A. D. 1433, the following, which must have been taken from a Ms., as it is found in no printed Acts of the council: Johannes de Polemar, cum Rockizana in Basileensi Concilio de communione calicis contendens, in responsione sua agnoscit quidem, Pragæ apud S. Nicolaum Magistrum Matthiam pro concione populo nova de sacramento quoque cœnæ prædicasse, ast palinodiam in Synodo Pragensi anno 1389 cecinusse, ait. In quibus tamen articulis, ut Polemarus eos refert, communionis calicis clara nentio haud facta. Unde in dubio relinquit Polemarus, an Matthias calicem populo dede-rit, an secus. Hoc interim certum esse ait, eum prohibitum fuisse. *Sive*, inquit, *ipse incepit hanc novitatem prædicare, sive sub utraque specie communicare, tamen sua doctrina sive practica non habuit progressum.* The Hussite Wenceslaus Pisecenus writes, about 1520, of Matthias Parisiensis (*Balbini Bohemia docta, T. II. p. 178*): multos eruditissimos conscripsit libros, in quibus de communione utriusque speciei pluribus egit: comp. however, l. c. p. 179.

¹ His declared opponent, *Heinr. de Knyghton de eventibus Angliae*, lib. V. p. 2644, speaks of him as Jo. Wykliff Doctor in Theologia eminentissimus in diebus illis. In Philosophia nulli reputabatur secundus, in scholasticis disciplinis incomparabilis. His numerous works are given, *Lewis*, p. 143 seq.

² See § 109, notes 2 and 3, above.

³ He wrote *Of the Poverty of Christ; Against Able Beggary; and Of Idleness in Beggary*. He maintained: sith open Begging is thus sharply damned in holy Writ, it is a foule Error to meyntene it, but that it is more error to seie that Christ was such a Beggar. See *Lewis*, p. 7.

parliament from the disgraceful tribute exacted from him by the Pope, Wicliffe defended this step with his characteristic boldness.⁴ He thus secured the favor of the court, and was made professor of theology at Oxford, A. D. 1372. The government being now earnestly bent on the more complete emancipation of the English church from the papal yoke, Wicliffe was one of the commissioners to treat with the legates of the Pope at Bruegge in the year 1376.⁵ Under such circumstances he had enjoyed ample opportunity of becoming acquainted both with the corruptions of papacy,⁶ and the evil effects of monachism,⁷ and having boldly declared his convictions on these subjects, he was accused before the Pope in the year 1376 of 19 heresies. Gregory XI. ordered an inquiry to be made into the matter,⁸ but Wicliffe was protected from harm by the favor of the nobility, especially of the regent, the duke of Lancaster.⁹

⁴ *Lewis*, p. 17 seq. A further defence against a monk who had maintained, quod sit falsum et pseudoevangelicum, quod domini temporales possunt in aliquo casu legitime auferre ab Ecclesiasticis bona sua. See in *Lewis*, p. 363 seq.

⁵ *Lewis*, p. 30.

⁶ He called the Pope Antichrist, the proud worldly Priest of Rome, and the most cursed of Clippers and Purse-kervers. *Lewis*, p. 34.

⁷ In 1382 he collected all the charges against the monks scattered through his works, in fifty heresies and errors. See *Lewis*, p. 20 seq.

⁸ The papal letters of A. D. 1377 to the university of Oxford, the archbishop of Canterbury, and the bishop of London, also to the king of England, in *Walsingham*, p. 201 seq. The accompanying Schedula with the nineteen heretical propositions, *ibid*, p. 204, see in *Lewis*, p. 266: e. g. I. Totum genus hominum concurrentium circa Christum non habet potestatem simpliciter ordinandi, ut Petrus et omne genus suum dominetur politice imperpetuum super mundum. VI. Si Deus est, Domini temporales possunt legitime ac meritorie auferre bona fortunae ab Ecclesia delinquenti. VII. Numquid Ecclesia est in tali statu vel non, non est meum discutere, sed dominorum temporalium examinare, et posito easu confidenter agere, et in pena damnationis aeternae ejus temporalia auferre. VIII. Seimus, quod non est possibile, quod Vicarius Christi pure ex Bullis suis, vel ex illis cum voluntate et consensu suo et sui Collegii quenquam habilitet vel inhabilitet. IX. Non est possibile hominem excommunicari, nisi prius et principaliter excommunicaretur a seipso. XIII. Discipuli Christi non habent potestatem coacte exigere temporalia per censuras. XVI. Hoc debet catholice credi, quilibet sacerdos rite ordinatus habet potestatem sufficienter sacramenta quilibet conferendi, et per consequens quemlibet contritum a peccato quilibet absolvendi. XIX. Ecclesiasticus imo et Romanus Pontifex potest legitime a subditis et laicis corripi et etiam accusari.

⁹ *Lewis*, p. 50 seq. At the second trial in Lambeth, at which, as *Walsingham*, p. 205, complains, non dico cives tantum Londonienses, sed viles ipsius civitatis se impudenter ingerere præsumperunt in eandem capellam, et verba facere pro eodem, et istud negotium impedit, Wicliffe gave in a *Declaratio* concerning these propositions (p. 206), in which he to be sure artfully avoids some of the points, e. g. ad I. Patet non esse in hominum potestate impedire adventum Christi ad finale judicium. — ad VI. Si Deus est, ipse est omnipotens. Et si sic, ipse potest præcipere dominis temporalibus, sic auferre: — sed absit ex illo credere, quod intentionis meæ sit, saeculares dominos licite posse auferre, quandocunque et quomodoque voluerint vel nuda auctoritate sua, sed omnino auctoritate ecclesiae in casibus et forma limitatis a jure. Others, however, he defends, e. g. ad VIII. Patet ex fide catholica, cum oportet dominum [in] omni operatione vicaria tenere primatum. Ideo sicut in omni habilitatione subjecti prius exigitur gratia et dignitas habilitati, sic in omni inhabilitatione prius exigitur dignitas ex demerito inhabilitati, et per consequens non pure ex ministerio vicarii Christi fit talis habilitatione vel inhabilitatio.

The great papal schism (A. D. 1378) gave Wycliffe new occasion and more opportunity to examine into the corruptions of the church and propose reforms. Hitherto he had only touched on questions of discipline, but now he ventured farther. In the year 1380 he began to translate the bible into English, and this undertaking being soon denounced as heresy, he defended the right of the people to read the Scriptures for themselves.¹⁰ In the year 1381, having attacked the doctrine of transubstantiation, many of those who had hitherto favored him began to waver,¹¹ but Wycliffe had now too many friends

¹⁰ *Henr. de Knyghton*, p. 2644: *Hic Magister Jo. Wyclif Evangelium, quod Christus contulit Clericis et Ecclesiæ Doctoribus, ut ipsi Laicis et infirmioribus personis secundum temporis exigentiam et personarum indigentiam cum mentis eorum esurie dulciter ministrarent, transtulit de Latino in Anglicam linguam, non angelicam, unde per ipsum fit vulgare et magis apertum laicis et mulieribus legere scientibus, quam solet esse Clericis admodum literatis et bene intelligentibus: et sic Evangelica margarita spargitur, et a porcis conculcatur, etc.* The passages in which Wycliffe defends his translation, see in *Wharton auctarium historiæ dogmaticæ J. Usserii de scripturis et sacris vernaculis*. Londin. 1689. 4to. p. 432 seq. in *Lewis*, p. 67 seq. e. g. The clerks say, it is Heresy to speake of the holy Scripture in English, and so they would condempne the Holy Gost that gave it in Tongues to the Apostles of Christ, to speake the Word of God in all Languages that were ordayneed of God under Heaven, as it is written.

¹¹ He came forward with sixteen conclusiones, which he offered to defend publicly; of which the first was: *Hostia consecrata quam videmus in altari, nec est Christus, nec aliqua sui pars, sed efficax ejus signum* (*Wood hist. et antiquitt. Univers. Oxon. lib. I. p. 188*). The chancellor of the University condemned this doctrine at once (see the *Definitio in Lewis*, p. 268): but Wycliffe appealed to the king. Et post appellationem advenit nobilis Dominus, Dux Lancastriæ,— prohibens Magistro prædicto Johanni, quod de cætero non loqueretur de ista materia. Sed nec ipse contemporans suo ordinario Cancellario, nec tam strenuo Domino incepit *Confessionem* quandam facere, in qua continebatur omnis error pristinus, sed secretius sub velamine vario verborum, in qua dixit suum conceptum, et visus est suam sententiam probare. Sed velut hæreticus pertinax refutavit onnes Doctores de secundo Millenario in materia de sacramento Altaris, et dixit, omnes illos errasse præter Berengarium,— et ipsum et suos complices; dixit palam Sathanam solutum et potestate habere in Magistro Sententiârum et in omnibus qui fidem Catholicum prædicaverunt (see *Lewis*, p. 271). The *Confessio in Lewis*, p. 272: *Sæpe confessus sum et adhuc confiteor, quod idem corpus Christi in numero quod fuit assumptum de Virgine, quod passum est in cruce,— est vere et realiter panis sacramentalis:— cuius probatio est, quia Christus, qui mentiri non potest, sic asserit.* Non tamen audeo dicere, quod corpus Christi sit essentialiter, substantia-liter, corporaliter vel identice ille panis. — *Credimus enim, quod triplex est modus essendi corpus Christi in hostia consecrata, scil. virtualis, spiritualis et sacramentalis.* Virtualis, quo benefacit per totum suum dominum [leg. dominium] secundum bona naturæ vel gratiæ. Modus autem essendi spiritualis est, quo corpus Christi est in Eucharistia et Sanctis per gratiam. Et tertius est modus essendi sacramentalis, quo corpus Christi singulariter [est] in hostia consecrata. Sed præter istos tres modos essendi sunt alii tres modi realiores et veriores quos corpus Christi appropriate habet in cœlo, scil. modus essendi substantialiter, corporaliter et dimensionaliter. Et grosse concipientes non intelligent alium modum essendi naturalis substancialiæ præfer illos. Illi autem sunt valde indispositi ad concipiendum arcana Eucharistiæ, et subtilitatem scripture. These advocates of transubstantiation were designated as a secta cultorum accidentium, cultores signorum, and confuted by various passages from the church-fathers. The close: Væ generationi adulteræ, quæ plus credit testimonio Innocentii vel Raymundi, quam sensui Evangelii capto a testibus supradictis. Idem enim esset scandalizare illos in isto, et imponere eis hæresim ex perversione sensus scripturæ, præcipue et iterum de ore perverso Apostatæ accumulantis super Ecclesiam Romanam mendacia, quibus

amongst the learned, especially at Oxford, to be entirely put down. The archbishop of Canterbury, at a council held in London May and June, 1382), condemned a number of his assertions as heresy.¹ ²The king began once more to support the hierarchy.¹³ But though Wic-

singit, quod Ecclesia posterior priori contraria correxit fidem, quod sacramentum istud sit accidens sine subjecto, et non verus panis et vinum, ut dicit Evangelium cum Decreto. Nam teste Augustino tale accidens sine subjecto non potest sacerdos conficere. Et tamen tautum magnificant sacerdotes Baal mendaciter, indubie juxta scholam patris sui, consecrationem hujus accidentis, quod reputant missas alias indignas audiri, vel dissentientes suis mendaciis inhabiles alicubi graduari: sed credo, quod finaliter veritas vincet eos.

¹² See Mansi XXVI. p. 695. Namely, as Conclusiones hæreticæ: I. Quod substantia panis materialis et vini maneat post consecrationem in sacramento altaris. II. Item quod accidentia non maneant sine subjecto post consecrationem in eodem sacramento. III. Item quod Christus non sit in sacramento altaris identice, vere et realiter in propria præsentia corporali. IV. Item quod si Episcopus vel sacerdos existat in peccato mortali, non ordinat, conficit, nec baptizat. V. Item quod si homo fuerit debite contritus, omnis confessio exterior est sibi superflua vel inutilis. VI. Item pertinaciter asserere, non esse fundatum in Evangelio, quod Christus Missam ordinaverit. VII. Item quod Deus debet obedire Diabolo. VIII. Item quod si Papa sit præstigiator et malus homo, ac per consequens membrum Diaboli, non habet potestatem supra fideles Christi ab aliquo sibi datam, nisi forte a Cæsare. IX. Item quod post Urbanum sextum non est aliquis recipiendus in Papam, sed vivendum est more Græcorum sub legibus propriis. X. Item asserere, quod est contra sacram scripturam, quod viri ecclesiastici habeant possessiones temporales. Then follow 14 Conclusiones erroneæ: I. Quod nullus Prælatus debet aliquem excommunicare, nisi prius ipsum sciat esse excommunicatum a Deo. III. Item quod Prælatus excommunicans clericum, qui appellavit ad regem et consilium regni, eo ipso traditor Dei est, regis et regni. IV. Item quod illi, qui dimitunt prædicare seu audire verbum Dei vel evangelium prædicatum propter excommunicationem hominum sunt excommunicati, et in die judicii traditores Dei habebuntur. V. Item asserere, quod licet alicui, etiam diacono vel presbytero, prædicare verbum Dei absque auctoritate sedis Apostolicae vel Episcopi catholici, seu alia de qua sufficienter constet. VI. Item asscerere, quod nullus est dominus civilis, nullus est Episcopus, nullus est Prælatus, dum est in peccato mortali. VII. Item quod domini temporales possint ad arbitrium eorum auferre bona temporalia ab ecclesiasticis habitualiter delinquentibus, vel quod populares possint ad eorum arbitrium dominos deliuquentes corriger. VIII. Item quod decimæ sunt puræ eleemosynæ, et quod parochiani possint propter peccata suorum curatorum eas detinere, et ad libitum aliis conferre. IX. Item quod speciales orationes applicatæ uni personæ per Prælatos vel religiosos non plus prosunt eidem personæ, quam orationes generales, cæteris paribus, eidem. X. Item quod eo ipso, quod aliquis ingreditur religionem privatam quaecunque, redditur ineptior et inhabilior ad observantium mandatorum Dei. XI. Item quod sancti instituentes religiones privatas quaecunque, tam possessionatarum, quam mendicantium, in sic instituendo peccaverunt. XII. Item quod religiosi viventes in religionibus privatis non sint de religione Christiana. *Error perniciosus.* XIII. Item quod fratres teneantur per laborem manuum, et non per mendicationem victum suum adquirere. *Damnatus ab Alex.* IV. XIV. Item quod conferens eleemosynam fratribus vel fratri prædicanti est excommunicatus et recipiens. Three of the most distinguished of Wycliffe's followers, Nicholas de Hereford, John Aston, and Philip Repingdon were summoned before the council; their explanations of the above propositions were not, however, satisfactory. Wycliffe complains that various assertions were attributed to him at this council without foundation; namely, Deus debet obedire Diabolo, see *Lewis*, p. 96.

¹³ See the royal edict of 12 Jul. 1382, in *Lewis*, p. 282, by which permission was given the bishops ad omnes et singulos, qui dictas conclusiones sic damnatas prædicare seu manutenere vellent,—arrestandos, etc., and the university of Oxford ordered on 13 Jul. (ibid. p. 379), to excommunicate all qui quicquam prædic-

liffe was forced to leave Oxford and retreat to his rectory of Lutterworth, he continued to attack the abuses of the church with unabated zeal. Shortly before his death († 1384) he wrote the Trialogus, in which he deposited the results of all his observations in ecclesiastical and theological matters, a legacy, as it were, for posterity.¹⁴

torum hæresium vel errorum — foverint vel defenderint, vel qui magistros Jo. Wyeclyff, Nicholaum Herforde, Philippum Repyungdon, Jo. Astoni — in domos et hospitia ausi fuerint acceptare, vel cum eorum aliquo communicare etc.

¹⁴ *Jo. Wiclefi dialogorum libri IV. ed. (Basileæ) 1525. 4to. (compare Baumgarten's Nachr. von einer hall. Bibl. Bd. 5. S. 178); ed. L. Ph. Wirth. Francof. et Lips. 1753. 4to.* Wycliffe himself calls the work trialogus, see the introduction: vidimus quod posset multis utilis quidam esse Trialogus, ubi primo *Alithia* tanquam solidus theologus loqueretur; secundo infidelis, captivus tanquam *Pseudis* objiceret; et tertio subtilis theologus et maturus, tanquam *Phronesis* decideret veritatem. Contents: Lib. I. de Deo et ideis (in which the Platonic Realism is very decidedly maintained) Lib. II. de rebus creatis (teaching, c. 14, strict predestination: Et sic videtur mihi probabile, quod Deus necessitat creaturas singulas activas ad quemlibet actum sumit. Et sic sunt aliqui predestinati, hoc est post laborem ordinati ad gloriam: aliqui praesciti, hoc est post vitam miseram ad pœnam perpetuam ordinati. (cf. *Thomas Bradwardinus*, § 113, note 10) Lib. III. de virtutibus et vitiis (cf. cap. 31): nulla alia scriptura capit auctoritatem vel valorem, nisi de quanto sua sententia a scriptura sacra sit derivata). — Et hinc Augustinus — saepè præcipit, quod nemo credit scriptis suis vel verbis, nisi de quanto se fundaverint in scriptura, et in ipsa, ut saepè dicit, omnis veritas implicite vel explicite continetur. Et indubie idem est judicium de scriptis aliorum sanctorum doctorum, et multo magis de scriptis Romanæ ecclesiæ, et doctorum novorum. — Et tunc scriptura sacra foret in reverentia, et bulle papales (sicut debent) forent postpositæ, et tamen leges papales, quam doctorum novorum sententiæ, quæ sunt post solutionem Sathanæ promulgatae, forent in suis limitibus veneratae). He appears as a reformer more especially in the Lib. IV., where, beginning with the sacraments, he goes on to reprove many of the abuses and errors of the church. First, de Eucharistia, c. 2–10, where he attacks the notion, quod hoc sacramentum sit accidens sine subjecto. Cap. 2: Ipsa curia ante solutionem diaboli cum antiqua sententia planius concordavit, ut patet Dist. II. c. Ego Berengarius (see above, § 29, note 10). Et sic de omnibus sanctis Doctoribus, qui usque ad solutionem Satanæ istam materiam pertractarunt. A tempore autem solutionis Satanæ, dimissa fide scripturæ, multæ hæreses in ista materia, et specialiter inter fratres et discipulos eis similes, volitarunt. Cap. 4: Non dubium etiam laico idiotæ, quin sequitur: iste panis est corpus Christi, ergo iste panis est, et per consequens manet panis, et sic simul est panis et corpus Christi. Exempla autem possunt grossa ponи pro ista materia attestanda. Non enim oportet, sed veritati repugnat, quod homo, dum fit dominus vel prelatus Ecclesiæ, desinat esse eadem persona: sed maneat omnino eadem substantia quoddammodo exaltata. Sic oportet credere, quod iste panis virtute verborum sacramentalium fit consecratione sacerdotis primi veraciter corpus Christi: — natura panis non ex hinc destruitur, sed in digniorem substantiam exaltatur. Cap. 6: Istam ergo reputo causam lapsus hominum in istam hæresim, quod discredunt Evangelio, et leges papales ac dicta apocrypha plus acceptant. Cap. 7: Ideo si essent centum Papæ, et omnes fratres essent versi in Cardinales, non deberet concedi sententiæ suæ in materia fidei, nisi de quanto se fundaverint in scriptura. — Cap. 14 *De confirmatione*, doubts of ejus fundatione ex fide scripturæ. — Cap. 15: *De sacramento ordinis*: In primitiva ecclesia — suffecerunt duo ordines clericorum, scil. sacerdos atque diaconus. — Tunc enim adinventa non fuit distinctio Papæ et Cardinalium, Patriarcharum et Archiepiscoporum, Episcoporum et Archidiaconorum, Officialium et Decanorum cum cæteris officiariis, et privatis religionibus, quorum non est numerus neque ordo. De contentionibus autem circa ista, quod unumquodque istorum est ordo, et in ejus acceptione gratia Dei ac character imprimitur, cum aliis difficultatibus quas nostri balbutiunt, videtur mihi esse tacendum, cum sic loquentes nec fundant quod asserunt, nec probant. Sed ex fide scripturæ videtur mihi sufficere, esse Presbyteros atque Diaconos, servantes statum

The followers of Wicliffe, to whom the heretic name of Lollards was soon applied, were chiefly amongst the higher and more cultivated

atque officium, quod eis Christum imposuit, quia certum videtur, quod superbia cæsarea hos gradus et ordines adinvenit. — Dixit dominus ad Aaron; *in terra eorum nihil possidebitis, — filii autem Levi dedi omnes decimas Israel.* — Si ergo prælati nostri — fundant se in secunda parte hujus dicti dominici ad avide capiendum decimas, — cur non primam partem auctoritatis domini pro amore Christi pauperis adeo amplectuntur? Cap. 17: Habere civiliter, cum necessitat ad sollicitudinem circa temporalia et leges hominum observandas, debet omnino clericis interdici. Et quantum ad Sylvestrum et alios, est mihi probabile, quod in recipiendo taliter dotationem graviter peccaverunt. Cap. 18: Temporales domini in isto graviter peccaverunt. Et hinc credo quod justo Dei judicio taliter in suis mundanis divitiis sunt puniti. Ex hoc enim orta sunt bella, contentio et paupertas multorum sacerdotalium dominorum. — Unde narrant Chronicæ, quod in dotatione Ecclesiæ vox audita est in aëre angelica tunc temporis sic dicentes: *hodie effusum est venenum in ecclesia sancta Dei.* Unde a tempore Constantini, qui sic dotavit ecclesiam, decrevit imperium Romanum, et ipso dominium sacerdotiale. — Nos autem dicimus illis [dominis temporalibus], quod nedum possunt auferre temporalia ab ecclesia habitudinaliter delinquenti, nec solum quod illis licet hoc facere, sed quod debent sub pœna damnationis gehenna, cum debent de sua stultitia pœnitere et satisfacere pro peccato, quo Christi ecclesiam macularunt. Cap. 23: *De pœnitentia.* Prima est soloni in animo et insensibilis, quia contritus domino confitetur. Illa autem licet sit parvipensa, est tamen virtute maxima, sine qua alia nihil valent. Secunda vero est pœnitentia aggregata ex illa, et expressione vocali singulariter facta Deo, et sic tam patres legis veteris, quam patres novi testamenti communiter sunt confessi. Sed tertia est pœnitentia aggregata ex duabus prioribus, et promulgatione secreta private facta presbytero. Et ad istam pœnitentiam magis attendimus propter lucrum. Utrum autem ista pœnitentia tertia sit de necessitate salutis, vel quia auctoritate introducta fuerat, est dissensio apud multos. — Sed non credit aliquis, quin sine tali confessione auriculari stat hominem vere conteri et salvare, cum Petrus injunxit generalem pœnitentiam. Of the passage, *Matth. xvi. 19: Quodcunque ligaveris, etc.* Non videtur hoc dictum in Petro ulteriore sapere potestatem, nisi quod omne, quod ligaverit vel solverit super terram conformiter ad Christi judicium et ecclesiæ triumphantis, erit solutum et in cœlis. Cap. 25: *De extrema unctione.* That there was no foundation for this sacrament in *James v. 14:* cum fidelis posset dicere satis probabiliter, quod ille sanctus Apostolus non specivocat infirmitatem finalem, sed consolationem faciendam a presbytero, dum aliquis infirmatur, et quia per viam naturæ oleum abundans in illis partibus valet ad corporis sanitatem. Ideo tales meminit unctionem, non quod illud oleum agat in animam, sed quod oratio effusa a sacerdote devoto medicat quemquam, ut Deus infirmitati animæ suffragetur. Si enim ista corporalis unctione foret sacramentum, ut modo singitur, Christus et cæteri Apostoli ejus promulgationem et executionem debitam non tacerent. — Et sic in sacramento baptismatis, in sacramento confirmationis et cunctis aliis Antichristus ritus infundabiles adinvenit, et ad onus ecclesiæ extra fidei scriptura supra fideles subditos cumulavit. Sacra menta autem alia necessaria prætermisit, ut patet de septem operibus spiritualis misericordia, que debent apud fideles, et specialiter presbyteros, esse sacramentum, etc. Cap. 26: *De speciebus ministrorum:* Antichristus habet sub specie cleri procuratores duodecim contra ecclesiam Christi machinantes, cuiusmodi communiter ponuntur Papæ et Cardinales, Patriarchæ, Archipræsules, Episcopi, Archidiaconi, Officiales, Decani, Monachi et Canonici bifurcati, Pseudofratres introducti jam ultimo, et Quæstores (all which were to be distinguished from the sacerdotes Christi, recte ejus Evangelium prædicantes). Et ista pars debet esse quasi anima corpori matris nostræ). Omnes autem isti duodecim, et specialiter prælati Cæsarii et fratres infundabiliter introducti sunt manifeste discipuli Antichristi, quia libertatem Christi tollunt, ac onerant sanctam ecclesiam et impediunt, ne currat lex evangelii libere sicut olim. Cap. 27: *Quod fratres communis cant hæresim in ecclesia.* Tres blasphemias de multis ostendi populo de istis fratribus in vulgari. Prima est de quidditate sacramenti altaris (namely, quod ipsa consecrata hostia sit accidens sine subjecto); secunda de mendicatione Christi, et tertia

classes.¹⁵ The hierarchy continued to repeat their condemnation of

de literis fraternitatum falsissimis (in which they pretend, quod personæ, quibus istas concedunt, participabunt post mortem de suis meritis). This subject continued to c. 31. Cap. 32: *De indulgentiis*: Superbia eorum, quia Deum oderunt, ascendit semper. Ideo licet fons heresis et peccati sit in ipso tenebrarum principio, tamen rivulus fratrum ab eo descendens nititur, ut dictum est, innaturaliter se extollere supra fontem. Fateor, quod indulgentia Papales, si ita se habeant ut dicuntur, tunc sapient manifestam blasphemiam. Dicitur enim, quod Papa prætendit se habere potentiam ad salvandum singulos viatores: — et nedum ad mitigandum pœnas eorum, qui deliquerunt, ad suffragandum eis cum absolutionibus et indulgentiis, ne unquam veniant ad purgatorium, sed ad præcipiendum sanctis angelis, ut anima separata a corpore, indilat ipsam deferant in requiem sempiternam. Et per fratres coloratur ista blasphemia per hoc, quod Christus est omnipotens. — Sed Papa est plenus vicarius ejus in terris, et ideo potest idem quicquid potest Christus humanitus. — Unde ad declarandum papalem potentiam pseudo-fratres in secretis fidei sic procedunt. Supponunt enim primo, quod in cœlis sint infinita sanctorum supererogata merita, et specialiter meritum domini nostri Jesu Christi, quod sufficeret salvare mundos alios infinitos: et super illum totum thesaurum Christus Papam constitutus ad secundum quod sibi libucrit dispensandum: ideo infinitum potest de illo distribuere, cum hoc remaneat infinitum. Contra istam rudem blasphemiam invexi alias primo sic. Nec papa nec dominus Jesus Christus potest dispensare cum aliquo, nec dare indulgentias, nisi ut aternaliter deitas justo consilio definivit. — Item quæro de illis supererogatis meritis sempiternis, in quo membro ecclesiæ subjectantur? Si in Christo et membris suis, mirabile videtur, quod Papa potest a subjectis propriis illa subtrahere propter multa. Primo quia accideus non potest esse sine subjecto. Secundo quia nullus eorum illa desiderat, pretererit illis hora merendi. Et tertio quia plene juxta suum meritum præmiatur. Quomodo ergo Papa potest per rapinam talen imaginativam facere Deo et illis injuriā? Item per deducens ad impossibile declaratur, quod si viator in tempore alicujus Papæ damnabitur, ipse Papa erit reus damnationis propter hoc, quod omittit ipsum salvare, etc. — In tales infinitas blasphemias involvitur infatuated ecclesia, et specialiter per caudam illius draconis, hoc est sectas fratrum, quæ ad illusionem istam, et alias seductions ecclesiæ Luciferinæ deserviunt. Sed eia milites Christi, abjicite prudenter hæc atque fictitious principis tenebrarum, et induimini Jesum Christum, — et excutite ab ecclesia tales versutias Antichristi, etc. — Cap. 33 to 38 are against the Mendicants. With this work of Wycliffe's may be compared the account of his opinions given in *Lewis*, p. 125, and supported by citations from the original works. The most remarkable of his views are those concerning the abuse of the mass, the scientific music in the churches, consecration with oil, salt, wax, etc., canonization, pilgrimages, ecclesiastical asylums, the celibacy of the clergy, etc. He defines heresy, p. 140, as Error meyntened agenst holy writt, and that in life and conversation, as well as in opinion. He also condemns war and capital punishment.

¹⁵ See the list of Wycliffe's most considerable followers in *Wood* hist. Univ. Oxon. p. 186; and in *Lewis*, p. 175. — *Henricus de Knyghton*, Lib. V. p. 2660: Erant etiam milites, Dominus Thomas Latymer, Dom. Johannes Trussel, etc. — cum Ducibus et Comitibus, isti erant præcipue eis adhaerentes et in omnibus eis faventes. — Cumque aliquis Pseudo-Prædicator ad partes alicujus istorum militum se diverteret prædicationis causa, in continentum cum omni prouptitudine populum patriæ convocare, et ad certum locum vel Ecclesiam cum ingenti sollicitudine congregare satagebat, ad audiendum voces eorum, licet invitatos, resistere tamen vel contradicere non audentes. Nam assistere solent juxta sic inepte prædicatoris gladio et pelta stipati, ad eorum defensionem, ne quis contra eos aut eorum doctrinam blasphemam aliquid tentare vel contradicere quandoque auderet. — Crevit populus credentium in ista doctrina, et quasi germinantes multiplicati sunt nimis, et impleverunt ubique orbem regni, — audacesque ad plenum facti sunt. — Sicque a vulgo Wyclif discipuli et *Wycliviani* sive *Lollardi* vocati sunt. — Secta illa in maximo honore illis diebus habebatur et in tantum multiplicata fuit, quod vix duos videres in via, quin alter eorum discipulus Wyclefi fuerit. — *Thomas Walsingham* in *Hypodigmate Neustriæ*, p. 544: Lollardi sequaces Johannis Wickliff

in tantam sunt eveeti temeritatein, ut eorum presbyteri more Pontificum novos crearent presbyteros, asserentes, quemlibet sacerdotem tantam habere potestatem conferendi sacramenta ecclesiastica, quantam Papa. — Audierunt et cognoverunt hæc regni Pontifices, sed abierunt alius in villam suam, alius ad negotiationem suam: solus Norwicensis temporibus malis ausus est esse bonus. *Henricus de Knyghton*, p. 2706, says of them: insuper novos errores antiquis immiscent, and then gives a catalogue of 25 heresies, amongst which, besides those of Wicliffe above enumerated, are the following: VII. quod non est supplicandum Sanctis orare pro viventibus, nec dicenda est Letania: affirmant enim Deum omnia facere, ipsos nihil facere posse, quos Santos vocamus. Sed multos eorum prædicant esse in inferno, quorum festa celebrantur. XI. quod nullus intrabit regnum cœlorum, nisi omnibus renunciaverit, ea dando pauperibus, solum Deum sequendo, modo ipsorum. XIII. quod omnia inter clericos debent esse communia. XVI. quod non licet aliquo modo jurare. Compare the *Conclusiones*, presented to Parliament by the Lollards, A. D. 1394, in *Lewis*, p. 293: *Prima Conclusio* est, quod, quando Ecclesia Angliæ incepit delirare in temporalitate secundum novicem suam magnam Ecclesiam Romanam, et Ecclesie fuerant auctorizatae per appropriationem diversis locis; fides, spes, charitas incepert fugere de Ecclesia nostra, quia superbia cum sua dolorosa genealogia mortalium peccatorum vendicabat hoc titulo veritatis. — *Secunda Conclusio*, quod nostrum usuale sacerdotium, quod incepit in Roma, fictum potestate Angelis altiori, non est istud sacerdotium, quod Christus ordinavit suis Apostolis. — III. quod lex continentalia injuncta sacerdotio, quæ in præjudicium mulierum prius fuit ordinata, inducit Sodomiam in totam sanctam Ecclesiam. — IV. quod fictum miraculum sacramenti panis inducit omnes homines — in idolatriam. — Sed vellet Deus, quod ipsi vellent credere, quod *Doctor Evangelicus* dicit in suo *Trialogo*, quod panis Altaris est accidentaliter corpus Christi. — V. quod Exorcismi et benedictiones factæ super vinum, panem, aquam et oleum, sal, ceram, et incensum, lapides Altaris, et ecclesiæ muros, super vestimentum, mitram, crucem et baculos peregrinorum sunt vera practica necromantiae potius quam sacrae theologiæ. — VI. quod Rex Episcopus in una persona, Prælatus et judex in temporalibus causis, Curatus et Officialis in mundiali officio facit quodlibet regnum extra bonum regimen. — VII. quod spirituales orationes pro animabus mortuorum factæ in Ecclesia nostra, præferentes unum per nomen antequam alium, est falsum fundamentum eleemosynæ. — VIII. quod peregrinationes, orationes, et oblationes factæ crucibus sive *Rodys*, et surdis imaginibus de ligno et lapide, sunt prope consanguineæ ad idolatriam: — imago usualis de trinitate est maxime abominabilis. — IX. quod auricularis confessio, que dicitur tam necessaria ad salvationem hominis, cum fieta potestate absolutionis, exaltat superbiam Sacerdotum, et dat illis opportunitatem secretarum sermocinationum, quas nos nolumus dicere, quia Domini et Dominae attestantur, quod pro timore confessorum suorum non audent dicere veritatem, et in tempore confessionis est opportunum tempus procationis, id est of *Wowyng* et aliarum secretarum conventionum ad peccata mortalia. Ipsi dicunt, quod sunt commissarii Dei ad judicandum de omni peccato, ad perdonandum et mundandum, quemquecumque eis placuerit. Dicunt, quod habent claves cœli et inferni, et possunt excommunicare et benedicere, ligare et solvere ad voluntatem eorum, in tantum quod pro tussello vel XII denariis volunt vendere benedictionem Cœli per cartam et clausulam de warrantia (*garontie*) sigillata sigillo communii. — X. Quod homicidium per bellum vel prætensam legem justitiæ pro temporali causa sine spirituali revelatione, est expresse contrarium Novo Testamento, quod quidem est lex gratiæ et plena misericordiarum. — XI. quod votum continentalia factum in nostra Ecclesia per mulieres, quæ sunt fragiles et imperfectæ in natura, est causa inductionis maximorum horribilium peccatorum possibilium humanae naturæ: quia, licet intersectio puerorum antequam baptizentur, et abortivorum, et destructio naturæ per medicinam sint turpiæ peccata, adhuc commixtio cum seipsis vel irrationalibus bestiis, vel creatura non habente vitam, tali transcendit indignitate, ut puniantur poenitentiæ inferni. — XII. quod multitudo artium non necessarium usitatarum in nostro regno nutrit multum peccatum in *Waste* curiositate et inter *Disguising*. — videtur nobis quod aurifabri et armatores, et omnino modæ artes non necessariæ homini secundum Apostolum destruerentur pro incremento virtutis.

his doctrines,¹⁶ denouncing especially his translation of the bible,¹⁷ but without effect. At length under the young Henry V. (A. D. 1413) at the instigation of the clergy, in particular of his father confessor, the Carmelite Thomas Waldensis,¹⁸ a bloody persecution was commenced, and the Wycliffites in England seemed soon to be entirely exterminated.¹⁹ But the truth thus persecuted and trampled down soon rose again in its full vigor. The renewed condemnation of Wycliffe at the council of Constance, with the sentence that his bones should be dug up and burned (A. D. 1428),²⁰ only served to show the impotence of earthly power in the struggle.²¹

¹⁶ cf. *Wilkins Conc. Britanniæ*, vol. III. p. 202 seq. Compare especially *Conc. Londin. ann. 1396*, p. 227 seq. (*Mansi XXVI*. p. 811 seq.), where again 18 propositions of Wycliffe's were condemned; and *Constitutiones Dom. Thomæ Arundel Cantuar. Archiep. ann. 1408*, in *Wilkins*, p. 314 (*Mansi XXVI*. p. 1031).

¹⁷ In A. D. 1401, Wycliffe's translation was attacked by the Franciscan, William Butler (see *Jac. Usserii historia dogm. controversia de scripturis et sacris vernalibus*, Lond. 1690. 4to. p. 163). — *Constitutionum Thomæ Arundel*, ann. 1408. *Const. VII*: *Periculosa quoque res est, testante b. Jeronymo, textum sacræ scripturæ de uno in aliud idioma transferre, eo quod in ipsis translationibus non de facili idem in omnibus sensus retinetur, prout idem b. Jeronymus, etsi inspiritus fuisset, se in hoc sæpius fatetur errasse.* *Statuimus igitur et ordinamus, ut nemo deinceps aliquem textum sacræ scripturae auctoritate sua in lingua Anglicanam vel aliam transferat per viam libri, libelli aut tractatus: nec legatur aliquis hujusmodi liber, libellus aut tractatus jam noviter tempore dicti Johannis Wycliff, sive citra, compitus, aut in posterum componendus, in parte vel in toto, publice vel occulte, sub majoris excommunicationis poena, quousque per loci diocesanum, seu si res exegerit per Concilium provinciale ipsa translatio fuerit approbata.* *Qui contra fecerit, ut fautor hæresis et erroris similiter puniatur.*

¹⁸ He too, with many others, wrote a *Doctrinale antiquitatum fidei Ecclesiæ Cathol.* (against the followers of Wycliffe and Huss), ed. Paris. 1532. Venet. 1571. fol.

¹⁹ The persecution began with the arrest of John Oldcastle, Lord Cobham, who escaped from the tower, but was, at length, imprisoned again, and in A. D. 1416, hung in chains, and burned. Comp. *Walsingham hist. Angliæ*, p. 382 seq. Ejusd. hypodigma Neustriae, p. 574 seq. *Jo. Fox rerum in ecclesia gestarum, quæ postremis et periculosis his temporibus evenerunt* (*Basil. 1559. fol.*), P. I. p. 97 seq. — Compare *Thomas Waldensis in proemio (Raynald. aun. 1414, no. 16)*: *Henricus V. Christo et mundo commendatissimus inter Reges, gaudebat in ipso regni sui primordio contra Wiclevistas hæreticos erexisse vexillum, dum scilicet ad Christi natalem cum duce iniquitatis eorum Joanne Castriveteris (Oldcastle) contra inclytum Regem conspirare cœperunt: nec mora longa processit, quin statutum publicum per omne regni concilium in publico emanavit edictio, quod omnes Wiclevistæ, sicut Dei proditores essent, sic proditores Regis et regni, proscripti bonis censerentur, duplii poenæ dandi, incendio propter Deum, suspedio propter Regem factumque est ita. Stat res jure perenni. Multi eorum deprehensi ignibus consumti sunt, contriti sunt: et sic malignantium habita opportunitate relicto regno decesserunt. Si qua alia gens (Bohemia) hujus fascinata criminibus colligere dignum ducat paleas, quas nos auctoritate sanctorum antistitum cum clero regni et principali terrore discussimus, quis imputet Anglicis? Mare nostrum ejicit mortuos nostros, et terra nostra dedit fructum centuplum, quis criminabitur Angliam, quod populus circumventus dolo hæretico mortuos nostros colit et veneratur ut Deus?*

²⁰ The council of Constance at its eighth sitting, on the 4th of May, 1415, condemned 45 articles of Wycliffe's, sentenced his books to be burned, and resolved, corpus ejus et ossa, si ab aliis fidelium corporibus discerni possint, exhumiari, et procul ab ecclesiastica sepultura jactari secundum canonicas et legitimas sanctiones (v. d. *Hardt Conc. Const. T. IV.* p. 150 seq.). As late as 1427, how-

CHAPTER NINTH.

PROGRESS OF CHRISTIANITY.

§ 124.

IN this period the last heathen nations of Europe were converted to Christianity in as far as depended on the mere performance of the rite of baptism. In Lithuania the Greek church had already made some converts, when the Grand Duke Jagello, in order to secure the hand of Hedwig, the heiress of the Polish crown, caused himself to be baptized into the Romish church (A. D. 1386), and called on his subjects to follow his example.¹ But although many were baptized,²

ever, Martin V. had to enjoin the execution of this command on the bishop of Lincoln again and again (see *Raynald.* ann. 1427, no. 14).

²¹ The Lutheran theologians do injustice to Wicliffe. Luther condemns his doctrine concerning the last supper, calling him the spitzigen Wicliffe (the subtle Wicliffe) (*Bekenntniß vom Abendmahl Christi in Walchs Ausg.* Th. 20. S. 1288 and 1294). *Melancthon* in *Apologia August Confess.* ad Art. XVI: *Plane furebat Wiglehus, qui negabat licere sacerdotibus tenere proprium.* And even in the *Unschuldigen Nachrichten*, A. D. 1712, S. 558, Wicliffe is denied a place amongst the true reformers.

¹ *Jo. Dlugossi* (Canon. in Cracow, † 1480) hist. Poloniae. Francof. 1711. fol. Lib. X. p. 96 seq. According to p. 104, Jagello's brother Switrigal, and his cousin Witondt were baptized with him at Cracow: reliqui Lithuaniae Duces, fratres Ducis Jagellonis cum dudum ante Graecorum ritu baptisma sortiti fuerint, ad iterandum, vel ut significatori verbo utar, ad supplendum baptisma non poterant induci. Compare *Schlössers Gesch.* von Lithauen, in der Allgem. Weltgesch. Th. 50. S. 84 ff.

² *Jo. Dlugossus*, l. c. p. 109 seq. In A. D. 1387, Jagello, now Wladislaus II., repaired with a great retinue to Lithuania, and there commanded all the heathen relics to be destroyed. Confractis autem et exterminatis idolis, dum Deorum suorum falsitatem — oculis pervidissent, universa Lithuaniae gens et natio fidem Christianam suscipere — prona et obedienti devotione consensit. Per dies autem aliquot de articulis fidei, quos credere oportet, et oratione dominica, atque symbolo per sacerdotes Polonorum, magis tamen per Wladislai Regis, qui linguam gentis noverat et cui facilis assentiebat, [operari] edocta, sacri baptismatis unda renata est, largiente Wladislao Rege singulis ex popularium numero post susceptum baptisma de panno ex Polonia adducto novas vestes, tunicas, et indumenta. Qua quidem provida liberalitate et largitione effecit, ut rudis illa natio et pannosa, laneis in eam diem contenta, fama hujusmodi liberalitatis vulgata pro consequendis laneis vestibus catervatim ad susceptendum baptisma ex omni regione accurreret. Et quoniam labor immensus erat, unumquemque credentium baptisare singillatim, concurrentis ad baptisma populi Lithuaniae utriusque sexus multitudo mandante Rege sequestrabatur in turmas et cuneos, et universis de qualibet turmarum benedicta aqua sufficienter conspersis, euilibet etiam turmæ et universis, qui in ea constiterant, nomen Christianum et usitatum abrogatis barbaricis, videlicet primæ turmæ *Petrus*, secundæ *Paulus*, etc. — imponebantur. Militaribus tamen et natu majoribus specialis impendebatur baptisma, etc. The nature of this conversion will be better understood by the following facts: the Lithuanian prince had been baptized once in Prussia, in 1384, when he took refuge with the Order of the German Knights (see *Jahrbücher Johannes Lindenblatts* [a contemporary])

they remained in fact as completely heathen as before.³ Such was likewise the case amongst the Laplanders, whom Hemming, archbishop of Upsal, undertook to convert (A. D. 1335).⁴

The popes still continued to flatter themselves with false hopes of converting the Moguls to Christianity, though most of the nations comprehended under that name had now decidedly embraced Mohammedanism.⁵ The small Christian church in China was entirely destroyed by the expulsion of the Moguls from that country (A. D. 1369).⁶

§ 125.

PERSECUTION AND CONVERSION OF THE JEWS.

The Jews in the 14th century underwent various persecutions, the offspring partly of avarice, and partly of religious fanaticism.¹ One

ed. by Joh. Voigt u. Schubert Königsberg, 1823, S. 60); and again by Russian priests (see Lucas David [† 1583] Preuss. Chronik, ed. by Henning, Bd. 7. S. 174, Anm. S. 189, 225), before he received baptism in Cracow. — The Samogitæ, a Lithuanian tribe, invited the German Order to come in and baptize them, in 1401 (Lindenblatt, S. 130): in 1413, king Wladislaus found this land still heathen, and once more converted it (*Dlugossus*, lib. XI. p. 342 seq.): but in 1418, the Samogitæ drove away their priests, burned their churches, and returned again to paganism (Lindenblatt, S. 334).

³ *Aeneas Sylvius* de Statu Europæ sub Frider. III. c. 20. (in *Freheri Rer. Germ. Scriptt.* ed. Struve, T. II. p. 114) relates on the authority of a monk, Hieronymus Pragensis, that only a short time before the council of Basil, idolatry was still extensively prevalent in Lithuania. When the monk, supported by king Wladislaus and duke Witoudt, began to destroy their idols, and their temples, there were symptoms of reformation: motus ea re Witoldus, veritusque populorum tumultum, Christo potius quam sibi deesse plebem voluit, revocatisque literis, quas Prasidibus provinciarum dederat, jubens parere Hieronymo, hominem ex provincia decedere jussit. As late as the 16th century idolatry was secretly practised in this country, see Lucas David, Bd. 7. S. 205.

⁴ *Jo. Schefferi* Lapponia Franeof. 1673. 4to. p. 63 seq. *Dalin Gesch. des Reichs Schweden*, Th. 2. S. 169.

⁵ Compare above, § 90, note 4. *Mosheim hist. Tartarorum ecclesiast.* p. 90 seq.

⁶ *Mosheim*, l. c. p. 119 seq.

¹ Comp. Josts Gesch. der Israeliten seit der Zeit der Maceabäer, Th. 6. S. 341 ff., and Th. 7. The common pretences for persecuting them were the poisoning of wells, the desecration of the hostia, and the murder of Christian children. How much imposition was practised in this, see in *Benedicti XII. Epist. ad Albertum Duecum Austriae*, in *Raynald.* ann. 1338, no. 18 seq. A persecution of the Jews in the territory of Passau having risen out of the finding of a bloody hostia before the house of a Jew, the duke took part with the Jews, and wrote the Pope, quod olim in ducatu Austriae in oppido Neirmibureh — quædam hostia non consecrata cruore madefacta per quandam clericum in ecclesia dicti oppidi posita fuit, qui postmodum — confessus fuit, se dicto cruore præfatam hostiam madidasse ad præsumptionem induendam, quod a Judæis contumeliose de honestata taliter extitisset in opprobrium Salvatoris, que etiam cum a Christifidelibus per aliquod temporis spatium tanquam verum corpus Christi adoraretur, demuin veribus fineisque scaturiens demolita extitit penitus et consumpta. Quam quidam clericus ejusdem ecclesiæ sic consumptam aspiciens suggestione diabolica persuasus, erro-

of the most bloody was that which began in Seville, A. D. 1390, and spread over a great part of Spain, proving fruitful in pretended conversions.²

APPENDIX I.

HISTORY OF THE GREEK CHURCH.

§ 126.

ATTEMPTED UNION WITH THE LATIN CHURCH.

Leo Allatius de Eccl. Occident. et Orient. perp. Consensione, lib. II. c. 16 — 18.

In order to secure the aid of the Western nations against the Turks, the Greek emperors of the 14th century exerted themselves almost incessantly to bring about a reconciliation of the two estranged churches. But, excepting themselves and a small court-party, there was no one on either side disposed to make the least concession, and all their efforts were of course in vain. The first who began these negotiations was the emperor Andronicus III., Palaeologus (reigned A. D. 1328—1341), in the year 1333,¹ and in consequence of them a Greek embassy appeared at Avignon (A. D. 1339), but without effect.² The most conspicuous man in the embassy, the abbot Bar-

rem errori accumulans, aliam hostiam non consecratam, cruento per ipsum intinctam, loco prædictæ hostiæ sic consumptæ reponere minime formidavit, sicut postmodum per confessionem ejusdem clieici talia perpetrantis extitit revelatum: eademque hostia in alterius locum supposita — usque ad hodiernum diem tanquam verum corpus Dominicum a Christifidelibus hujusmodi fraudem ignorantibus veneratur, — casus similis ob invidiam et odium Judæorum in oppido Werchartstof cœperat exoriri, etc. A similar case is related also by *Jo. Vitoduranus*, in the *Thesaurus hist. Helvet.* p. 44 seq., adding that the priest who had practised the deception suo Diocesano erat præsentatus, qui eum captum et vinctum detinuit per plures dies, sed quod arcta custodia carceris traditus fuerit, vel alias secundum exigentiam malitiæ suæ punitus sit, non audivi: quod ex intimis meis doleo præcordiis. — Quod autem Episcopus suus remissus et negligens fuit, — in eo, ut quidam ajunt, ratio hæc est, quia per pecuniam — plebani — corruptus fuit.

² *Jost*, l. c. Th. 7, S. 53 ff.

¹ See the letters of Pope John XXII. to the Greek emperors, the patriarch of Constantinople, etc. in *Raynald*, ann. 1333, no. 17 seq. — Of the negotiations in Constantinople with two bishops sent thither by the Pope (1334), see *Niceph. Gregoræ Byzantina hist.* lib. X. c. 8 (ed. Bonn. 1829. vol. I. p. 501), who himself had an agency therein.

² See the Protocol (in *Raynald*, ann. 1339, no. 19 seq., and from a Ms. in *Allatius*, l. c. p. 788 seq.) and *Benedicti XII. ep. ad Philippum regem Franciæ*, *Raynald*, ann. 1339, no. 33. The Greek ambassadors made application, quod in generali concilio — articulus de processione Spiritus Sancti per disputationes et concertationes ibidem concordaretur inter Latinos et Græcos: quodque ante omnia super recuperatione trium vel quatuor civitatum magnarum, quæ per Turcos — detineri dicuntur, — præstaretur auxilium. Barlaam, who spoke in the name of the embas-

sy, promised: quæcumque a generali concilio determinata fuerint, omnes orientales libenter hæc recipient. — Si autem aliquis dicet, quia jam factum est de istis generale concilium in Lugduno, in quo fuerunt et Græci (see above, § 92, note 12): sciat, quod nemo poterit humiliare populum Græcum, ut recipient illud concilium sine alio concilio. Quare? quia illi Græci, qui interfuerunt isti concilio, non fuerunt missi neque a quatuor patriarchis, qui gubernant orientalem ecclesiam, neque a populo, sed a solo Imperatore, qui conatus fuit facere unionem vobiscum ex vi, et non voluntarie. He petitioned, however, that the help might precede the council, in the first place, quod naturaliter omnes homines magis volunt subjugari beneficiis eis, quam contra facientibus, in the second place because till the war with the Turks should be ended, the emperor could not assemble a council, neque enim dum guerra fit, poterit quatuor patriarchas et alios pontifices in unum conjugare, nec concilio poterit interesse. The Pope refused to hold a general council, on the ground that non esset decens, — sic clarum, determinatum et definitum articulum fidei — nunc per novas disputationes — in dubium revocare. Barlaam then made the remarkable proposition, quod saltem, si ad profitendum dictum articulum Græci forsitan induci non possent, reunione facta permetterentur ipsi Græci quod super eodem articulo tenent credere, Latinique crederunt catholice Spiritum Sanctum a Patre et filio procedere: but responsum exitit, hoc esse nullatenus tolerandum, quia in ecclesia catholica, in qua una fides esse noscitur, quoad hoc duplum fidem minus veraciter esset dare. The Pope, on the other hand, proposed that the Greek church should choose plenipotentiaries to send to the West, qui cum aliis viris sapientibus, — per sedem Apostolicam super hoc deputandis, non per modum disputationis vel concertationis, sed instructionis, quoad Græcos ipsos, salutifere haberent maturos et diligentes tractatus. Barlaam kept to his proposition; that the Pope should send ambassadors to the four Greek patriarchs and the emperor, with the following declaration: Viri fratres, quoniam vos et nos confitemur in divinis unam substantiam et tres personas, etiam unum principium, et neque vos neque nos adducimus in divinis aut identitatem personarum, aut divisionem substantiae; sufficient ista nobis, ut habeamus unionem. De processione autem Spiritus Sancti non dividamur ab invicem; sed sapientes quidem vestri cum nostris disputerunt de ista quæstione si volunt: communiter vero non haberemus propter hoc divisionem, sed tenete vos quod vultis de isto, et nos similiter; et non damneamus propter hoc alterutrum, sed factum sit tantum. Vos quidem date ecclesiæ Romanæ illum honorem, quem dabant et antiqui patriarchæ in tempore unionis, quem determinaverunt etiam leges Imperatorum et canones sanctorum patrum, et plus non petimus a vobis: Nos autem parati sumus dare et firnare ecclesiæ orientali, et specialiter ecclesiæ Constantinopolitanæ et imperio Constantinopolitano omnia jura, quæ sunt vel ab antiqua consuetudine, vel determinata aut a legibus Imperatorum aut a canonibus sanctorum patrum. To such a proposition he thought that most of the Greeks would accede. The final answer of the Pope was, quod ex eo justa petitio non videtur, quia si [Græci] fortificati, ditati, exaltati et confirmati per sedem Apostolicam, Reges, Principes et populos catholicos ante reunionem prædictam postea terga et non faciem verterent Romanæ ecclesiæ memoratae, sicut alias, dum eredebantur reuniti, — fecisse noscuntur; proculdubio idem dominus summus Pontifex, ecclesia, et fideles remanerent delusi, et dici posset opprobrium non modicum, quod suos et fide juverant et fortificaverant inimicos et hostes, et participassent scandalose cum eis. Sed si per illum, qui omnem hominem venientem in hunc mundum illuminat, eorundem Græcorum cordibus infusione gratia spiritualis illustratis per viam tactam per eundem dominum nostrum vel aliam accommodam et honestam ad obedientiam — Romanæ ecclesiæ redire curaverint cum effectu; ipsos tunc effusis gaudiis, ac gratis et favoribus largisue dispensatis — ipse dominus noster et Apostolica sedes recipient, — non solum super his quæ petunt, sed super aliis eorum opportunitatibus exhibituri tunc — auxilia, consilia et favores. Barlaam, on his part, showed that the expedient recommended by the Pope de mittendis pro parte Græcorum sapientibus, was next to impossible: quia Imperator non audet manifestare se, quod velit uniri vobiscum, quoniam si manifestasset se, multi ex principibus suis, etiam ex populo, timentes ne forte ipse vellet facere, sicut fecit ipsis Michael Palæologus, quererent opportunitatem interficiendi illum. Præterea ecclesia Constanti-

laam,³ influenced probably by the result of his controversy with Gregory Palamas (A. D. 1341), went over to the Latin church, and called on his former friends to do the same.⁴ But so far were they from listening to him, that not even the example of the emperor John V., Palæologus (reigned from 1341—1391), who in his need repeatedly swore allegiance to the Pope (A. D. 1355 seq.),⁵ could induce the

tinopolitana non mitteret ad hoc negotium legatos suos sine consilio et consensu patriarcharum Alexandrini, Antiocheni et Jerosolymitani: quare oportet eos in simul congregare, quod est difficile propter guerras: et præter hoc incertum est, si vocati ad hoc voluissent venire: et dato, quod jam venissent, et omnes unanimiter concordassent ad mittendum legatos super prædictis, ipsi non darent unquam plenum posse super hoc talibus legatis, nec promitterent illud quod factum fuisset per ipsos legatos ratum habere, nisi sub certis articulorum pactis, quæ pacta vos nullatenus admitteretis. He went away, however, promising nevertheless to do all he could to bring about such an arrangement; but nothing was done.

³ Before his conversion to the Latin church, he had written several works against it. See *Allatius*, l. c. p. 825 seq. *Cave hist. literaria*, vol. II. App. p. 37, especially λόγος περὶ τῆς τοῦ Πάπα ἀρχῆς, best ed. in *Cl. Salmasii* libr. de primatu Papæ App. p. 101.

⁴ In five letters, see *Allatius*, l. c. p. 839 seq. Four of these are in *Canisii* lectt. ant. ed. *Basnage*, T. IV. p. 369 seq.

⁵ He took an oath to a Nuntius of the Pope, 1355 (*Raynald*, ad h. a. no. 34): In primis quod ero fidelis, obediens, reverens, et devotus beatissimo patri et domino, domino Innocentio sacrosanctæ Romanae ac universalis ecclesiæ — summo Pontifici, et ejus successoribus. — Item quod faciam toto posse meo, — quod omnes populi sub nostro imperio constituti — erunt fideles, obediens, reverentes, et devoti eidem domino nostro et summo Pontifici, et ejus successoribus. Et quia diuturnitas temporis induravit et aggravavit animos populorum, et vix possent a consuetis retrahi, et per viam novam incedere, nisi cum modo sapientie et moderatione prudentiae; istum modum, qui sequitur, — ordinavi: He promised to send the Pope his son Manuel Palæologus, the Pope on his part was to furnish him with fifteen transports (usceria), five gallies (galeas), five hundred horsemen, and one thousand infantry for six months, to carry on the war against the Turks, in quo tempore legatus domini nostri Papæ dabit beneficia et dignitates ecclesiasticas personis sufficientibus Græcis, qui ad unionem et obedientiam ecclesiæ sponte redibunt, secundum quod sibi et nobis melius videbitur. Ubi vero infra sex menses — Græci sponte ad obedientiam ecclesiæ noluerint redire, quod non credimus, promittimus ex nunc pro tunc, quod faciemus cum consilio et deliberatione legati domini nostri Papæ, quod omnino erunt obediens. He promises the papal legate palatum magnum and pulchram et venerabilem ecclesiam. Item dabo filio meo primogenito unum magistrum Latinum, qui docebit eum literas et linguam latinam de consilio et voluntate dicti legati. Item dabo hospitia tria magna, in quibus tenebuntur scholæ literarum Latinarum, et ego dabo operam efficacem et favorem cum corde sincero, quod filii magnatum et potentum Græcorum ibunt addiscere literas Latinas. In casu ubi prædicta omnia et singula non observarem, — ex nunc pro tunc judico auctoritate imperiali me indignum imperio, et privo memet ipsum jure imperii, et transfero, do, cedo jus et potestatem imperii et imperandi in prædictum filium meum; — transfero jus patriæ potestatis in — summum Pontificem super dictum filium meum: — do, concedo et tradō potestatem — summo Pontifici, quod possit acquirere — imperium nostrum pro dicto filio nostro tanquam pro vero et legitimo Imperatore, et dare eidem filio meo uxorem, bajulos (governor), tutores et curatores usque ad præfinitum tempus a jure; et possit de prædicto imperio ordinare et disponere tanquam de imperio sibi de jure debito, vice et nomine prædicti filii nostri, etc. In case, however, that all the terms of the compact were fulfilled, the Pope was to furnish him with various auxiliaries, and in part pay them; the emperor to be always principalis capitaneus et signifer et vexillarius s. matris Ecclesiæ cum mero et mixto imperio et plenaria potestate over the whole army. If the emperor should not fulfil all conditions pro eo quod potentia et non voluntas deficeret, and should appear in person before the Pope,

Greek nation to such a step. The son and successor of this prince, Manuel II. (A. D. 1391–1425), was himself the author of works against the Latins.⁶ The peculiar doctrines of the church of Rome were attacked by several other Greek writers in this century.⁷ Still there were not wanting instances of those who, like Barlaam, went over to the Latins, and wrote against their own church.⁸

§ 127.

CONTROVERSY WITH BARLAAM.

Dionys. Petavii de theolog. dogmatibus. T. I. lib. I. c. 12, 13.

The censure passed by Barlaam on the gross manner in which the monks on Mount Athos (*οἱ ἵγιας ὄρτες*), supposed themselves to attain to the visual perception of the divine light,¹ involved him in a con-

this last was to furnish him with the means of reconquering his empire. When it came to the trial, however, the summons of the Pope to the knights of St. John to go to the help of the emperor (*Raynald*, I. c. no. 38 seq.), proved as ineffectual as those to the emperor to come over with his people to the Latin church (*Raynald*, ann. 1365, no. 22; ann. 1366, no. 1). The emperor swore fealty to the Pope before Lewis of Hungary, to whom he came for help (*Raynald*, ann. 1366, no. 4), and finally, A. D. 1369, entered the Latin church by assenting to a Roman confession of faith presented to him in Rome (*Raynald*, 1369, no. 2, Greek in *Allatius*, p. 843 seq.): still he received neither the promised aid, nor did the desired union of the churches take place.

⁶ Though he had long resided in the West, see note 5. cf. *Leo Allatius* de perp. consens. p. 854.

⁷ For instance, Barlaam (see note 3); the monk Maximus Planudes, about 1340 (De processione spirit. sancti contra Latinos, ed. in *Petri Arcudii opusculis aureis theologicis*, Romæ. 1630 and 1671. 4to. p. 614); the archbishop of Thessalonica, Nilus Cabasilas, about 1340 (De causis divisionum in Ecclesia and De primatu Papæ in *Salmasii* de primatu Papæ App. p. 10. De processione Spir. S. adv. Latinos, Ms. in Vienna, Basel, and Venice, cf. *Allatius* diatr. de Nilis et eorum scriptis, p. 49 seq. *Cave* hist. lit. vol. II. App. p. 39); the monk Gregorius Palamas, about 1350 (libb. II. ἀποδεικτικοὶ quod non ex filio, sed ex solo patre procedat Spiritus Sanctus, ed. with several other similar works. Lond. 1624. 4to.); the monk Nilus Damplia, about 1400 (several works de processione Spir. s. also De Damaso Papa et fide antiquæ Roma, and De Synodis duabus Photianis, of which only fragments have been published in *Leo Allatius* lib. de Synodo Photiana, p. 179, and De Eccl. et Orient. perp. cons. p. 622, 857, 859, 916, 1375, 1376).—cf. *J. G. Walchii* hist. controv. Græcorum Latinorumque de process. Spir. s. p. 97 seq.

⁸ For instance, Demetrius Cydonius, about 1357, who in Milan became a convert to the church of Rome (cf. *Cave* hist. lit. vol. II. App. p. 57, 59); the Dominican, Manuel Caleca, about 1360 (cf. *Jac. Quetif* et *Jac. Echard* Scriptt. Ord. Prædictorum, T. I. p. 719), the Dominican, Simon Constantinopolitanus (I. c. p. 558).—cf. *Walch*. I. c. p. 109 seq.

¹ It is related by the emperor Joh. Cantacuzenus, who took an active part against Barlaam in this controversy (Hist. lib. II. c. 39, ed. *Bonn*. vol. I. p. 543), that this last, who had always been secretly attached to the Latins, πόθεσίν τινα ζητῶν, ἐξ οὗ τα ἥμέτερα διακαμψόσι καὶ πρὸς πόλεμον χωρῆσι φυγεῖσας, ὡς δὲ μαθητιῶν τινι προσπάλλεται τῶν ιουχαζόντων, λόγου τε ἀπεστεγμένῳ παντελῶς καὶ ὀλίγον διαφέροντι ἀλογων καὶ οὐδὲ φρονήσεως γοῦν μετεπικόπτῃ πρεπούσης ἴδιώτῃ· καὶ ὑπερίνετο βούλεισθαι μαθητεῦσαι

troversy with Gregory Palamas, which at length turned upon the point whether this divine light (that, namely, which appeared at the transfiguration) was created or uncreated.² A synod assembled in Constantinople, A. D. 1341, having decided against Barlaam, he went to Italy, and there passed over to the Roman church.³ The questions concerning the light on Mount Tabor, and the nature of God were still, however, zealously discussed. Several synods were called at Constantinople (A. D. 1341, 1347, 1350), and all decided against the apostate Barlaam.⁴

παρ' αὐτῷ, καὶ τὴν ὁδὸν τῆς ἡσυχίας ἐκδιδάσκεισθαι καὶ τοὺς νόμους τῆς ὑποταγῆς. — ὁ δὲ τὸν τε δόδον μὴ συνιδὼν, ὑπὸ τε τῆς ἄγαν κουφότητος ἐπαθεῖς, ἀλλὰ τε ἰδίασκε τὸν πονηρότατον ὁ ἀνόντος, καὶ ὡς προκόπτοντες κατὰ μικρὸν εἰς ἡσυχάζοντες καὶ προσευχόμενοι ἀδοξύβως, ἀγαλλίσσοντες τέ πινα καὶ ἀρρήτων ἥδανην καὶ θείαν ἐπιδέχονται ἐν τῇ ψυχῇ, καὶ φῶς ὄδωστος τοῖς σωματικοῖς ὄφθαλμοῖς ἀστράπτοντες περὶ αὐτούς. "Ἐπὶ μὲν οὖν τοῖς ἄλλοις πολλὴν κατεγίνωσκεν ὁ Βεγλαμὸς ἀνουν τοῦ ἄνδρος καὶ ἀμαδίαν" φῶς δὲ ἀκούσας δεάμενον ὄφθαλμοῖς σωματικοῖς, οὐκέτι οὐδὲ ἡρεμεῖν ἡνίσχετο, ἀλλὰ κοινὴ ἐποιεῖτο τῶν ἡσυχαζόντων καταδρομὴν, ἀπατιῶντας καλῶν καὶ ψυχομένους καὶ Μαστιλιανὸν καὶ ὘μφαλοψύχους, κ. τ. λ. Barlaam had found there a sort of contemplation practised similar to that for which the following directions had been given by the abbot Simeon (see *Allatius de Eccl. Occid. et Orient. perp. cons.*, p. 829): καθίσας ἐν μιᾷ γωνίᾳ κατὰ μόνας πρότεραις ποιήσας δὲ λέγω σοι· κλείσον τὴν θύμαν, καὶ ἔπαρον τὸν νῦν σου ἀπὸ παντὸς ματαίου ἥγουν προσκαίρου· εἰτα ἐρίσας τῷ στῆθει σὸν πάγωνα, κινῶν τὸν αἰσθητὸν ὄφθαλμὸν σὺν ὅλῳ νοῦ ἐν μίσθῳ τῆς κοιλίας ἥγουν κατὰ τὸν ὄφθαλμὸν, ἄγχον καὶ τὴν τῆς ἓντος τοῦ πνεύματος ὀχέην, τοῦ μὴ ἀδεώς πνεύματος· ἐρεύνησον ἵδον ἐν τοῖς Ἑγκατοῖς εὐρεῖν τὸν τόπον τῆς καρδίας, ἵνδα ἐμφιλοχωρεῖν περύκασιν πᾶσαι αἱ ψυχικαὶ δυνάμεις. Καὶ πρώτον μὲν σκοιος εὐηγέρτεις καὶ πάχος ἀνέδοτος· ἐπιμένοντος δὲ σου, καὶ τοιτοῦ τοῦ ἔργου νυκτὸς καὶ ἡμέρας παιονιμένου, εὐηγέρτεις, ὡς τὸν θαυμάτων, ἀληκτον εὐφροσύνην· ἅμα γὰρ εὐρη ὁ νοῦς τὸν τόπον τῆς καρδίας, βλέπει παρεγκένδυς ἢ οὐδὲποτε πίστατο· βλέπει γὰρ τὸν μετεπέντε τῆς καρδίας ἀέρα, καὶ ἱστον φωτεινὸν δόλον καὶ διακρίσεως ἐμπλεον. (A similar practice was found amongst the Ascetics in Siam, see Kämpfers *Gesch. v. Japan*, Th. 1, S. 30, and in India, see *Franc. Bernier voyages*, T. II, p. 127).

² *Jo. Cantacuzenus*, l. c. Amongst the ἡσυχάζοντες in Thessalonica, Palamas and his brothers were the most distinguished; they represented to Barlaam, ἴδεοντο παιεσθαι τοῦ τοιαῦτα καὶ φρονεῖν καὶ λέγειν κατὰ τῶν ἡσυχαζόντων, καὶ μὴ διὰ τὴν ἀπειλὴν ἐνὸς ταῖσα πάνταν κατεψηφίζεισθαι, καὶ, τόχει εἰς αὐτὸν ἥκον, τοῦ ἀκροτάτου βίου καὶ τῆς πειλεώτατῆς πολιτείας τοὺς ἀνδράποτους (or, as they afterwards term it, τῆς ἱερᾶς ἡσυχίας) ἀποστειρεῖν. That the holy are sometimes surrounded by light (δυνατὸν εἶναι τοῖς σωματικᾶς ὄφθαλμοῖς διεῖν καὶ ἀκτιστον φῶς διέσυσθαι), they sought to prove especially by the example of Jesus on Mount Tabor: εἰ σῦν κάκεινοι (the disciple) ἀνθρώποι τε ὄντες, καὶ ἔτι ἀτελέστεροι διακεῖμενοι, τὸ περιαστράψαν αὐτὸν διεῖν καὶ ἀκτιστον φῶς ἡδυνάθησαν ἰδεῖν, τί θαυμαστὸν, εἰ καὶ νῦν τοὺς ἄγιους φαίμεν φῶς ὅραν ἄναθεν ἰλλαμπομένους ἐν θεῷ. This, however, furnished Barlaam with new cause of rebuke. He exclaims: τῆς ἀντιστασίας! καπνὸν γὰρ φέγγοντες ἐμπεπτάκαμεν εἰς πῦρ· ἀκούεις οὐδὲν καὶ ἐνωτίζουν ἡ γῆ τὸν Θαβάνδην φῶς ἀκτιστον καὶ τι ἄλλο ἡ θεὸς καθ' οὓς οὐδὲν γὰρ ἀκτιστον ὅτι μὴ θεὸς εἰ οὖν μήτε κτίσμα τὸ φῶς ἐκεῖνο, μήτε θεὸν οὐσία (θεὸν γάρ οὐδεὶς ἐνδικεῖ πάποτε), τί λοιπὸν ἡ δυσὶ λατρεύειν θεοῖς, ἐν μὲν τῷ πάντων δημιουργῷ, ὃν καὶ ἀρρωτον πᾶς τις ἡν ἐμολογήσει, δευτέρᾳ δὲ τῷ καθ' ὑπᾶς ὄχωμένω ἀκτίστῳ τούτῳ φωτι.

³ *Cantacuzenus*, lib. II. c. 40. *Nicephoras Gregoras*, lib. XI. c. 10 (ed. Bonn. vol. I. p. 557).

⁴ See the detailed accounts of Cantacuzenus and Nicephorus Gregoras, who both took an active part in the contest, the former in favor of, the other against, Palamas. — The decision of the synod, A. D. 1350, in *Mansi XXVI.* p. 127 seq. answers the question proposed to it by the emperor only by passages from the church fathers, p. 150: πρῶτον εἰ ἔστιν ἡπειρὸν θεοποτεῖς διάκρισις οὐσίας καὶ ἐνεργήτις (namely, p. 174, τῆς θείας φυσικῆς ἐνεργείας, p. 187, ἡτοι φύσις καὶ ὑπερφυῶς πρόσεστιν

APPENDIX II.

HISTORY OF THE OTHER ORIENTAL CHURCHES.

§ 128.

The kings of Armenia, always in need of the aid of the Western nations, were always anxious to maintain the connexion of the Armenian church with that of Rome.¹ Still, like the efforts of the Greek emperors, this was a mere political measure, and the disposition to such union was confined to the court. All the efforts of the popes could not move the common people to give up their peculiar opinions.² The aid received from the West being very inconsiderable,

ἴκαστη τῶν θεορχικῶν ὑποστάσεων); in the affirmative: ἐπειτα διαχρίσεως ἀναφανείσας, πότερον ἡ ἴνεργεια αὕτη κτιστη ἔστιν, ἢ ἄκτιστος; Answer, ἄκτιστος. Then: εἴγε ἄκτιστος ἀπόδικος οὐκ ἡ θεορχεῖν ἡ θεορχεῖνς αὕτη ἴνεργεια, πώς ἂν τις ἐκφύγοι τὸ μὴ ταρὰ τοῦτο σύνθετον τὸν θεὸν ἔναι νομίζειν; in reply only passages from the fathers: πέταρτον δὲ εἴγε ή φωνὴ τῆς θεότητος οὐκ ἐπὶ τῆς οὐσίας μένον, ἀλλὰ καὶ τῆς θείας ἐνεργείας παρὰ τῶν θεολόγων ὕμνηται; affirmative. πέμπτον δὲ, εἴτε οἱ θεολόγοι κατά τι τὴν οὐσίαν τῆς ἐνεργείας ὑπερεκτίθεται φασίν; affirmative. Finally, τίνος μετίχουσι τὰ πάντα, τῆς θείας οὐσίας ἡ τῆς τοῦ θεοῦ θείας ἐνεργείας; affirm. πᾶν δημιουργημα τῆς ἴνεργειας τοῦ δημιουργῆσαντος, ἀλλ᾽ οὐχὶ τῆς οὐσίας μεταλαμψάνει. — καὶ οἱ ἄγιοι, τῇ πρὸς θεὸν ἐνώπιον θεοποιόμενοι, οὐ τῆς θείας οὐσίας, ἀλλὰ τῆς αὐτοῦ θείας ἴνεργειας μετίχουσι. And so it followed, ὅτι τι ἄκτιστόν ἔστι τὸ φῶς τῆς τοῦ κυρίου μεταμορφώσεως, καὶ ὅτι οὐκ ἔστι τοῦτο ἡ οὐσία τοῦ θεοῦ. The views of Barlaam and his followers are given by his contemporary Nilus Metrop. Rhodii Synopsis (Mansi XXV. p. 1148), as follows: ἐδογμάτισαν, νῦν μὲν οὐδεμίαν διάχρισιν ἔναι ἐπὶ τῆς θείας φύσεως οὐσίας, καὶ ἴνεργειας, ἀλλὰ ταυτὸν ἔναι καὶ ἀδιάφορον· νῦν δὲ διάχρισιν μὲν ἔναι ἔλεγον· πλὴν τὴν μὲν οὐσίαν ἄκτιστον, τὰς δὲ αὐτῆς οὐσιώδεις ἐνεργείας καὶ φυσικὰς συγχωροῦντες ἐπέρας ἔναι, πλὴν οὐκ ἄκτιστους, ἀλλὰ κτιστὰς, καὶ ἐπὶ τὸ ἐν τῷ Θαβωρίῳ ἐκλάμψαν θεῖον ἵκεν φῶς, φάσμα ἀπλᾶς καὶ κτίσμα, γινόμενον καὶ ἀπογινόμενον, ἀλλὰ οὐτε θείας φύσεως φυσικὴν αἴγην, καὶ θεότητα, καὶ φῶς ἀπερόστοτον καὶ ὃν καὶ λεγόμενον.

¹ The embassies of the Armenian kings to the Pope and the princes of Europe, sent in the hope of inducing a crusade in their support (see *Raynald.* ann. 1317, no. 35; 1331, no. 30), promised willingly that all deviations from the creed of the church of Rome should be forbidden (*Rayn.* 1318, no. 8 seq.); and Armenia inferior also joined in submission to the Pope (*Rayn.* 1323, no. 7). But the summons to a crusade (*Rayn.* 1322, no. 30) were rendered ineffectual by internal wars, and only afforded the French kings a pretext to tax the revenues of the church (see § 96, note 33). The Armenians received only some pecuniary aid from the Popes, *Rayn.* 1323, no. 4; 1339, no. 41.

² In 1341, Benedict XII. complains to the king, and the catholicos of Armenia (*Raynald.* ad h. a. no. 45), that he had learned from unquestioned authority, quod tam in majori quam in minori Armenia nonnulli execrandi errores tenentur a multis et dogmatizantur, and demands that such errors should be condemned at an Armenian synod. The enumeration in 117 articles, l. c. no. 49 seq. E. g. I. and II: the old Armenian teachers had taught truly quod Spir. S. procedit a filio sicut et a Patre (*hoc fuerat determinatum in conciliis Constantiopolitanis et Ephesino*), but 612 years before a general Armenian council had decreed (according to Art. 85 concilium Manesquerdense, quod congregatum fuit ibi de mandato cuiusdam Sarraceni, nepotis Machometi) that the procession from the Father alone should be maintained, which for the most part had been obeyed: III. Item quod

in dicto concilio reprobaverunt concilium Chalcedonense, — et determinaverunt, quod sicut in Domino Iesu Christo erat unica persona, ita erat una natura scilicet divina, et una voluntas et una operatio. — In dicto etiam concilio Dioecorum condemnatum per dictum concilium Chalcedonense canonizaverunt, — et adhuc ter in anno facient festum de eo sicut de saeculo, — et maledicunt b. Leone et concilium Chalcedonense. IV. Iteni quod Armeni dicunt et tenent, quod peccatum primorum parentum personale ipsorum tam grave fuit, quod omnes coru[m] filii ex semine eorum propagati usque ad Christi passionem merito dicti peccati personalis ipsorum damnati fuerunt, — non propter hoc quod ipsi ex Adam aliquod peccatum originale contraxerint, cum dicant, pueros nullum omnino habere originale peccatum nec ante Christi passionem nec post: — sed post Domini passionem, in qua peccatum primorum parentum deletum fuit, pueri qui nascuntur ex filiis Adam non sunt damnationi addicti. VIII. The Armenians taught that the blessed non videbunt Dei essentiam, quia nulla creatura eam videre potest; sed videbunt claritatem Dei, quae ab ejus essentia manat. XVII. Item quod Armeni communiter tenent, quod in alio saeculo non est purgatorium animarum, quia, ut dicunt, si Christianus confiteatur peccata sua, omnia peccata ejus et pena peccatorum ei dimittuntur. Nec etiam ipsi orant pro defunctis, ut eis in alio saeculo peccata dimittantur; sed generaliter orant pro omnibus mortuis sicut pro b. Maria, Apostolis, Martyribus, et aliis sanctis, ut in die judicii intrent in regnum cœleste (see Vol. I. § 97, note 16). XXXII. The Armenians said: sunt jam trecenti anni, quod omnes dæmones sunt disligati, et seduxerunt homines a fide Christi per totum mundum exceptis Armeniis: sed a triginta annis citra illos homines de minori Armenia, et a viginti quinque annis citra Armenos de majori Armenia seduxerunt a fide Christi, quia, ut dicunt, ex tunc Armeni posuerunt in sacrificio aquam in vino, et fecerunt festum nativitatis Domini vigesima quinta die Decembris, et sic a dæmonibus seducti fidem Christi dimiserunt. XXXIV. Dicunt etiam quod *Rex et nobiles minoris Armenie, quia tenent supradictos articulos cum Ecclesia Romana et Græca, non sunt de ecclesia catholica et apostolica.* XXXVIII. Item quod Armeni credunt et tenent, quod in aliis ecclesiis — non datur peccatorum remissio, quia aliae ecclesiæ negaverunt veram fidem, recipiendo concilium Chalcedonense, nec etiam habent verum baptismum. XLVI. Item quod dicti Armeni observant discretiōnem ciborum mundorum et immundorum animalium secundum quod lex Moysi dicit: et licet aliqui ex Armeniis comedant porcum, tamen secundum eos, si sacerdos comedederit de porco, postea non posset expellere dæmones de obsessis corporibus, quia, ut dicunt, Dominus expellens dæmones de duobus hominibus misit eos in porcos. LVI. Those who had been baptized in the Armenian church, where they had been converted to Mahommedanism or Judaism, and afterwards returned to their faith, were not again baptized: si tamen aliquis fuisset baptizatus in ecclesia aliquius catholicorum Armenorum, et postea converteretur ad fidem Romanæ Ecclesiæ vel Græcæ, si postea vellet venire ad ecclesiam primam, — illa ecclesia sic baptizaret eum, ac si nunquam fuisset baptizatus. In like manner ecclesia Armena baptizat baptizatos in ecclesia latina vel græca, quando veniunt ad eam. LVIII. Item quod Armeni dicunt et tenent, quod ad hoc, quod sit baptismus verus, ista tria requiruntur, scilicet aqua, chrisma et Eucharistia. LIX. That amongst the Armenians some baptized with wine, others with milk, the most with water; but all with arbitrary forms. LXV. Item Armeni dicunt et tenent, quod illa iunctio cum christi-mate facta in novem locis (at the baptism) valet Christianis, dum vivunt, pro omnibus inunctionibus, quae fiunt per ecclesiam latinam: unde apud eos non est sacramentum confirmationis, nec extremæ unctionis: nec quando consecrantur presbyteri vel episcopi, inunguntur eorum manus vel capita. LXXIV. Item quod apud Armenos majoris Armeniae non sit imago Crucifixi, nec aliae imagines tenentur Sanctorum. LXXVII. That the Catholicos of Armenia-minor had maltreated some who had been baptized in forma Ecclesiæ Latinae, and LXXVIII. forbidden his bishops, quod non celebrarent missam latinam, sed Armenorum missam antiquam, quod non servarent jejunia ecclesiæ Romanæ, sed antiqua jejunia Armenorum, etc. Et ad testimonium et confirmationem horum dictorum est hoc, quod — supradictus catholicos consecravit sex episcopos Armenos, et accepit ab eis literam publicam, quod ipsi non darent pueros de partibus suis ad addicendum literam Latinam, nec admitterent aliquem prædicatorem Latinum, qui prædicaret veritatem s. Romanæ Ecclesiæ, etc. LXXXII. Item quod quando aliqui commu-

nicare debent, per sacerdotem fit confessio generalis,— et postea populus reiterat dictam confessionem: in secreto tamen raro vel nunquam aliquis Armenus confitetur sacerdoti sua peccata:— dicunt et tenent, quod dicta generalis confessio sufficit ad remissionem peccatorum. LXXXIV. Item Armeni dicunt et tenent, quod catholicos, episcopi et presbyteri Armenorum eandem et aequalem potestatem habent ligandi et solvendi, quantum et quemque habuit Petrus Apostolus, cui a Domino dictum est: *Quocunque ligaveris*, etc. nec quoad hoc minorem potestatem habent presbyteri Armenorum quam eorum catholicos et episcopi. LXXXV. Item Armeni dicunt et tenent, quod usque ad concilium Nicænum Romanus Pontifex non habuit potestatem majorem, quam alii patriarchæ: sed nunc de voluntate dicti concilii fuit ordinatum, quod dictus Romanus Pontifex haberet potestatem super alios patriarchas. Quam potestatem habuerunt Romani Pontifices usque ad concilium Chalcedonense: sed quia in dicto concilio, ad instantiam b. Leonis Papæ congregato, fuit determinatum, quod in Christo erant duæ naturæ et una persona, Romani Pontifices perdidérunt dictam potestatem, et omnes illi, qui dicto concilio consenserunt. XC. Item Armeni dicunt et tenent, quod potestas illa, quam Christus dedit b. Petro, dicendo ei: *Quocunque ligaveris*, etc. sit solum data persona Petri et pro ipso solo, ita quod haec potestas non transivit ad aliquem ejus successorem. CX. Item quod apud Armenos sunt multi errores a prædictis, qui errores continentur in infrascriptis libris Armenorum, quorum primus intitulatur *Tenophacer*, i. e. contra festivitates, quas celebrant Ecclesiæ Romana et Græca. Secundus liber vocatur *Anadoarmat*, i. e. radix fidei. — Decimus liber vocatur, *liber canonum Apostolorum*, in quo continentur omnes errores Armenorum, etc. The Armenians did indeed go so far as to hold a synod to satisfy the Pope (*Raynald.* 1341, no. 118): still Clement VI. found it necessary to send two legates, Antonius Episc. Gajetanus and Joannes electus Coronensis, to the Armenian bishops (*Raynald.* 1346, no. 67 seq.), ut per eos de ipsa fide ejusque salutari doctrina informemini plenus et imbuamini viva voce, quam possetis scriptura instrui vel literis informari, and they brought back information (*Raynald.* 1350, no. 37), quod dicti Rex, catholicos et populus adhuc in multis a veritate catholicæ fidei aberrabant, so that when they again applied to the Pope for aid, he contented himself with directing the archbishop of Nicosia (l. c.), quatenus eidem Regi populoque, cum ipse ac dicti catholicos et populus aliquas recognitiones super aliquibus, quibus ad ejusdem fidei discrepant veritate, fecerint juxta formam, quam tibi — transmittemus, — sex millia florenorum auri de pecunia nostra tradiri et assignari facere non omissas. The Pope had also sent the Armenian Catholicos by those ambassadors quadam capitula pro pleniori eruditione, and received responses: but complains in another letter (*Raynald.* 1351, no. 2 seq.): non potiuinus nec possumus ex responsionibus hujusmodi quoad plura elicere, quid tu et eadem ecclesia minoris Armeniae sincere et pure credatis: — ex quarum (responsionum) aliquibus conditionata, ex quibusdam vero diminuta vel imperfecta, et ex nonnullis, forsitan scriptoris vel interpretis vito, minus vera confessio manifeste colligitur. He therefore gives there these Responsones, accompanying each by new questions, calculated to call forth explanation. Then: Post prædicta omnia mirari cogimur vehementer, quod — subtrahis de LIII primis capitulis capitula XVI. Primum, quod Spiritus sanctus procedit a Patre et Filio. Tertium, quod parvuli ex primis parentibus contrahunt originale peccatum. Sextum, quod animæ ex toto purgatae separatae a suis corporibus manifeste Deum vident. Nonum, quod animæ decedentium in mortali peccato in infernum descendant. Duodecimum, quod baptismus debeat originale et actuale peccatum. XIII. quod Christus non destruxit, descendendo ad inferos, inferiorem infernum. XV. quod angeli a Deo fuerunt creati boni. XXX. quod effusio sanguinis animalium nullam operatur remissionem peccatorum. XXXII. quod non judicent comedentes piscium et olei in diebus jejuniiorum. XXXIX. quod in ecclesia catholica baptizati, si efficiantur infideles, et postmodum convertantur, non sunt iterum baptizandi. XL. quod parvuli ante octavum diem possunt baptizari, et quod baptismus non potest esse in liquore alio, quam in vera aqua. XLII. quod corpus Christi post verba consecrationis sit idem numero, quod corpus natum de virgine et immolatum in cruce. XLV. quod nullus, etiam sanctus, corpus Christi potest confidere, nisi sit sacerdos. XLVI. quod est de necessitate salutis, confiteri proprio sacerdoti, vel de licentia ejus [alii] omnia peccata mortalia perfecte et distinete. — Ideo volumus clare et

Armenia was at length overrun by the Mamelukes, A. D. 1367, and the Christians cruelly persecuted.³

The Christians in Egypt also suffered severe persecution under the dominion of the Mamelukes, and many of them went over to Islamism.⁴

The attempts of John XXII. to induce the Ethiopians,⁵ and the Jacobites⁶ to submit to the papal authority, were entirely ineffectual.

sine velamine a te scire, si prædicta XVI capitula diminuisti de LIII pro eo, quod non credis esse vera neque catholica, vel ex qua causa ipsa capitula diminuisti. Item in scriptis rogasti archiepiscopum et episcopum antefatos (the papal legates), ut esset inter eos et te verborum finis: — scias, quod non possemus nos — finem imponere, — nisi prius pure, clare, perfecte et integre tu et Armeni — fidem illam receperitis, quam ipsa Romana tenet et docet Ecclesia. — Cæterum quia fidei signorum plurium, et quorundam etiam Armenorum relatio frequenter nostris auribus instillavit, quod tu et antecessores tui — ea, que circa ipsius fidei nostræ cultum — Romanis Pontificibus — descriptis et promisisti, — in nullo penitus observatis, — ac fidem ipsius ecclesiæ Romanae, extra quam nulli est gratia, nulli salus, habuistis dannabiliter in derisum: ideo fraternitatem tuam monemus, — quatenus responsiones per te ad interrogations nostras faciendas, et omnia, quæ tu et iidem obedientes tibi Armeni circa ipsius fidei nostræ negotium promittisti et dicisti, vos credere ac tenere, — tactis sacrosanctis evangelii, juramentis solemnibus roboretis: et nihilominus sub juramentis similibus promittatis, quod nobis et successoribus nostris Romanis Pontificibus — parceritis cum effectu, ut ora de te et Armenis eisdem sic graviter — obloquentum obstruas: — sciturus pro certo, quod præter salutis æternæ præmia, et famæ titulos, quæ provide conquereris, dabit tibi Deus, ille omnium opulentissimus retributor, unde in præsenti quoque sæculo gratis et beneficiis affluas.

³ cf. *Clementis VII. Epist. ad Archiep. Taraconensem b. Raynald.* ann. 1382, no. 49.

⁴ *Taki-eddini Makrizii* (in Cairo † 1441) historia Coptorum Christianorum in Aegypto, arab. edita et in ling. lat. translata ab *H. J. Wetzer*. Solisbaci, 1828. 8vo. p. 135 seq. cf. *Renaudot hist. Patriarcharum Alexandrinorum Jacobitarum*. Paris. 1713. 4to. p. 602 seq.

⁵ *Raynald.* ann. 1329, no. 98.

⁶ *Raynald.* ann. 1330, no. 57.

FIFTH DIVISION.

FROM THE COUNCIL OF PISA TO THE REFORMATION:

A. D. 1409 — 1517.

The most important authorities are: *Antoninus*, a Dominican, Archbishop of Florence from A. D. 1446, † 1459, canonized 1523 (*Summa historialis* in III Partt. to 1459. ed. Venet. 1481. Norimb. 1484, etc. last in Opp. omn. Florent. 1741. T. I. fol.). — *Joannes Trithemius*, or of Trittenheim, from 1483 Abbot of Spanheim, from 1506 Abbot of St. James in the suburbs of Würzburg, † 1516 (*Chronicon Monast. S. Martini Spanheimiense* in Opp. *Trithemii historicis* ed Marq. Freherus. T. II. Francof. 1601. *Chron. Monast. S. Jacobi Majoris* in J. P. Ludewig Scriptt. *rerum Heribopolitanarum*, Halæ. 1713. By far the most important are the *Annales Hirsaugienses*, ed. in *Monast. St. Galli*, 1690. Tomi II. fol.). — *Albrecht Kranz*, teacher of Theology and the canon law in Rostock, then *Canonicus*, finally Decanus of the Cathedral in Hamburg, † 1517. (*Metropolis*, a church history of the North of Germany to 1504, cum præf. Dav. Chytræi, Vitebergæ 1576. Francof. ad M. 1576, 1590. — His Saxonia, *Vandalia*, and *Chronicon Regnorum Aquilonarium* belong rather to general history).

CHAPTER FIRST.

HISTORY OF PAPACY.

Bartholomæi Platinae (or Barth de' Sacchi of Piadina in the territory of Cremona, under Pius II. papal Abbreviator, under Paul II. persecuted, under Sixtus IV. at the head of the Vatican Library, † 1481), *vita Pontificum Romanorum*, ed. Venet. 1479. fol. afterwards often ed. but sometimes with changes. The editions which appeared in Holland A. D. 1640, 1645, and 1664, without mention of any place of publication, are accurately printed after the *Edit. princeps.*, and therefore much valued. Comp. *Dan. Guil. Moller disp. de B. Platina. Altorf.* 1694. 4to.

§ 129.

COUNCIL OF PISA (25 March to 7 August, 1409), ALEXANDER V. (26 June, 1409, to 3 May, 1410), JOHN XXIII. (17 May, 1410 — Deposed 29 May, 1415).

Theodoricus a Niem (see authorities prefixed to § 101) *de Schismate lib. III.* c. 38 seq. *Ejusdem Vita Johannis XXIII.* in *Meibomii Rerum Germ. T. I.* p. 5 seq. and in *v. d. Hardt Conc. Constant.* T. II. p. 336 seq.

Leonardi Aretini (Private Secretary to Innocent VII., Gregory XII., Alexander V., and John XXIII., then Chancellor in Florence, † 1444) *rerum suo tempore in Italia gestarum commentarius ab anno 1378 usque ad annum 1440* (in *Muratorii Rerum Italicarum Scriptores* T. XIX. p. 909 seq.).

Acta of the Council in *Mansi XXVII.* p. 1 seq. in *d'Achery Spicileg.* I. p. 828, and in *v. d. Hardt Conc. Constantiense*, Tom. II. P. II. p. 62 seq.

Histoire du Concile de Pise, et de ce qui s'est passé de plus mémorable depuis ce Concile jusqu'au Concile de Constance, par *Jacques Lenfant*. T. II. à Amsterdam. 1724. 4to.

THE Synod of Pisa, at which the two most distinguished leaders of the Reform party were Petrus de Alliaco, bishop of Cambray,¹ and John Gerson, Chancellor of the University of Paris,² was opened on the 25th of March, 1409. Notwithstanding the efforts of the emperor Ruprecht in favor of the Roman Pope Gregory XII.,³ the council proceeded immediately (on the 5th of June) to depose both popes,⁴ and after having secured the reformation, as it was thought, by exacting a solemn oath from all the assembled cardinals,⁵ caused Alexander V.

¹ See § 103, note 1; § 116, note 8. He was the teacher of Gerson and Nicolaus de Clamengis, 1389 chancellor of the Univ. of Paris, 1396 bishop of Cambray, 1411 Cardinal (Cardinalis Cameracensis) † 1425. Of his life, see *v. d. Hardt Conc. Const.* T. I. P. VIII. p. 450 seq.

² See § 104, notes 3 and 7. Chancellor of the Univ. of Paris from 1395, † 1429. Opp. ed. *L. E. Du Pin*. Antwerp. 1706. Tomi IV. fol. Tomus II. contains such writings of Gerson as relate to the existing state of the church, as well as some works of his contemporaries on the same subject. Of his life and writings see *v. d. Hardt*, I. c. T. I. P. IV. p. 26 seq., and *Gersoniana* prefixed to *Dupins Ausgabe*.

³ *Theod. a Niem III.*, c. 39. The speech of the imperial ambassador, Ulricus Ep. Verdensis, is in *Raynaldus ad ann. 1409*, no. 13 seq. The answer of Petrus de Ancharano in name of the Council, in *Mansi XXVII.* p. 367 seq.

⁴ Sess. X. on the 2d of May, the Articuli contra Petrum de Luna, Benedictum XIII., et Angelum Corario, Gregorium XII. nuncupatos, de papatu perperam contendentes (see *Raynald.* ann. 1409, no. 47 seq. *d'Achery Spicileg.* T. I. p. 833 seq.), being a detailed account of all that had thus far passed between the two Popes and the Cardinals, were laid before the council. Sess. XV. on the 5th of June followed the Sententia definitiva et privativa contra predictos contendentes (*Theodor. a Niem III.*, c. 44. *Raynald.* a. I. no. 71. *d'Achery* I. p. 847 seq.): Christi nomine invocato sancta et universalis Synodus universalem Ecclesiam repräsentans, et ad quam cognitio et decisio hujus causæ noscitur pertinere,—pronuntiat, decernit, definit et declarat,—Angelum Corario et Petrum de Luna de papatu contendentes, et eorum utrumque fuisse et esse notorios schismaticos, et antiqui schismatis nutritores, defensores, fautores, approbatores, et manutentores pertinaces, neenon notorios hæreticos, et a fide devios, notoriisque criminibus enormibus perjurii et violationis voti irrectitos, universalem Ecclesiam sanctam Dei notorie scandalizantes cum incorrigibiliitate, contumacia, et pertinacia notoriis, evidentibus et manifestis; et ex his et aliis se reddidisse omni honore et dignitate, etiam papali, indignos; ipsosque et eorum utrumque propter præmissas iniquitates, crimina et excessus ne régnerent, vel imperent, aut presint, a Deo et sacris canonibus fore ipso facto abjectos et privatos, ac etiam ab Ecclesia præcisos; et nihilominus ipsos Petrum et Angelum, et eorum utrumque, per hanc sententiam definitivam in his scriptis privat, abject et præcidit, inhibendo eisdem, ne eorum aliquis pro summo Pontifice gerere se præsumat, etc.

⁵ Sess. XVI. on the 10th of June, the cardinals were made to take oath (*Raynald.* I. l. *d'Achery*, I. p. 842.), quod, si quis nostrum in summum Romanum

to be elected in their place, on the 26th of June. But they were grievously disappointed in their hopes, and soon learned that it was in vain to look for any assistance from popes in bringing about a reformation in the church.⁶ And, indeed, it was to be expected only of a pope of more than ordinary sagacity, as well as moral feeling and power, that he should turn a deaf ear to the advice of those who seemed most attached to his interests, and himself assist in demolishing the splendid fabric his predecessors had been centuries building up for him, without even being sure that his work would be durable, or his name handed down with honor to posterity. But Alexander's first act was after the old papal fashion.⁷ He strove only to appease,

Pontificem eligetur, præsens concilium continuabit nec dissolvet, neque dissolvi permittet, quantum in eo erit, usquequo per ipsum cum consilio ejusdem concilii sit facta debita, rationalis, et sufficiens reformatio universalis Ecclesiæ, et status ejus tam in capite quam in membris. If the choice should fall on any one not present, the person so chosen was to take the same oath before the election should be made public.

⁶ The necessity of which, and the points in which it was needed had been eloquently urged on the new Pope before his coronation, by *Gerson*, in the *Sermo factus coram Alex. P. (Opp. ed. du Pin, II. p. 131)*.

⁷ *Gerson de modo reformati Ecclesiam in Conc. Univ. written 1410, cap. 10* (in *v. d. Hardt Conc. Const. T. I. P. V. p. 90*): Et ut sic fieret (namely, ut limitaretur potestas usurpata papalis) fuit omnino inclinatus dictus Dominus Alexander V. ante ejus Papatum, dum ageretur, ut dictum concilium celebraretur in Pisis. Qui etiam hoc dicebat, et etiam super limitatione subsequenda multis argumentis theologicis, philosophicis, juridicis insudabat. Qui creatus in Papam in lucem educere non curabat. *Petrus de Alliaeo de difficultate reformati in Conc. universali ad Jo. Gersonem, written 1410, cap. 3* (in *v. d. Hardt Conc. Const. T. I. P. VI. p. 262*): Alexander prorsus inexpertus erat eorum, quæ officii pastoralis honor et sublimitas exigebat, quamvis esset magnus Theologus. Et quicquid dicti Cardinales ab eo petierunt, ipsis absque contradictione concessit, nec auidebat ipsis aliquid denegare. Unde ipsi continuo eum importune crebris petitionibus vexarunt, ita ut aliquando propterea in se ipso nimium turbaretur. Nec poterant satiari. *Theodoricus a Nien III. c. 51*: Fuit autem dictus dominus Petrus (Alexander prius nominatus Petrus de Candia), cum eligebatur in Papam, septuagenarius, vel circa. — Hic quicquid ordinavit et fieri voluit per ipsum dictus dominus Joannes Papa, tunc Diaconus Cardinalis (Balthasar Cossa), in omnibus et per omnia fecit, ab ejus precibus, consiliis aut mandatis — nullatenus recedendo, et in ejus Papatu nihil penitus reformativit, et omnibus studuit complacere, et vix alicui ab eo quicquam petenti a majori usque ad minimun sine personarum discretione scivi denerare. Unde subito postquam in Papam assutus fuit, adeo deformativit notabiliora officia suæ Curiæ ad importunam instantiam multorum petentium, excedendo illorum numerum antiquum nulla necessitate aut utilitate urgente, quod in longo tempore in statum debitum vix potuerunt reformativit, et tam prodigus fuit in concedendis gratiis beneficialebus, qnod nullam novit differentiam inter personas, quibus illa fecit, et quales facere deberet, nec modum nec ordinem debitos et consuetos in talibus observando: fuit enim in illis practicalibus et agibilibus penitus inexpertus. — Aliquos etiam fratres Minores (the brethren of his own Order) sibi caros et sociales publicis officiis et lucrativis, quæ prius consueverunt regi per sacerdtales personas habiles et expertas, in eadem sua Curia præfert, et miro modo conabatur plerosque fratres Minores cathedralibus Ecclesiis vacantibus præficere in pastores: in his præcipue, et etiam in multis aliis Papale officium, cuius gravitatem non novit, in brevi tempore denigrando. — Cap. 52: — statim postquam creatus fuit, et ante ipsius coronationem multos creavit Archiepiscopos, Episcopos et Abbates, et omnibus illis familiaribus dominorum Cardinalium, qui eum elegerunt in Papam, qui dictis Dominis Cardinalibus in conclavi ministrarunt, adeo abusivas et exorbitantes beneficiales gratias, etiam cum dispensationibus ad plura incompatibilia

not to satisfy. Thus he made some trifling concessions, promised to hold a new synod for the purpose of beginning the reformation, and as soon as possible (7th of August) dismissed the troublesome assembly that had appointed him.⁸

Thus the Synod of Pisa, which had been opened with such high-wrought hopes (see § 104), disappointed even such expectations as it might have been reasonable to entertain.⁹ Instead of two popes,

beneficia, qui eas petierunt, absque personarum delectu fecit, sicuti a sæculo nunquam prius auditæ fuerunt, ita quod cæteri saltem intelligentes Curiales de indiscreta provisione stupesci mutinurabant. Videbatur enim prædictus Alexander pro nihilo habere titulos ecclesiasticos, quos tam improvide videbat, etc.

⁸ Sess. XX. on the 27th of July the Pope issued a decree (*d'Achery I. p. 852*): *Sacro approbante Concilio decernimus, — iterum generale Concilium Ecclesie fore convocabundum, hinc ad triennium, videlicet anno quo dicetur Dom. MCCCCXII in mense Aprilis, in civitate seu loco habili et decenti. Sess. XXIII. on the 7th of Aug. (l. c.): Sanctissimus Dominus noster sacro approbante Concilio ordinavit, quod bona immobilia Ecclesie Romane seu aliarum Ecclesiarum nullatenus — alienentur seu hypothecentur usque ad proxime inductum Concilium, in quo super hoc articulo maturius poterit deliberari. Item Dominus noster eodem approbante Concilio ordinat et mandat celebrari Concilia provincialia per Metropolitanos, et Synodos per eorum suffraganeos, secundum formam juris et Coneilii generalis; quia ex eorum omissione multa sequuntur inconvenientia. Item — celebriari capitula Monachorum nigrorum et Canonicorum regularium. — Item Dominus noster, misericordia motus, liberaliter remittit, prout alias fecit, omnia arreragia (fr. *arrérages*) majora, et minuta servitia sua Cameræ Apostolice de toto tempore antiquo debita, sibi dumtaxat competentia: ctiam si qui propter defectum solutionis hujusmodi arregariorum sententiam excommunicationis incurserint, eos auctoritate Apostolicae absolvit. — Item — disponit, non facere translationes de invitatis. — Item — concedit omnibus, qui in hoc sacro Concilio interfuerunt, et ejus determinationi adhærent, absolutionem plenariam a culpa et pena seniū tantum. — Item Dominus noster sonetissimus cum consilio Concilii intendit reformatre Ecclesiam in capite et in membris. Et quia jam multa per Dei gratiam sunt expedita, quæ ipsum Dominum nostrum, et favorem Prælatorum, aliorumque inferiorum concernunt, restantque alia, quæ propter recessum Prælatorum et Ambassiatorum de presenti expediū non possunt: propterea Dominus noster sacro requirente et approbante Concilio dictam reformationem suspendit, et continuat (i. e. *differt*) usque ad proxime indictum Concilium, etc.*

⁹ *Gerson* says, 1410, de modo reformandi Eccles. in Cone. univ. e. 19 (in v. d. Hardt Cone. Const. T. I. P. V. p. 113): In Concilio Pisano, secundum opinionem multorum, omnia fuerunt quasi primis motibus facta et agitata, spiritu vehementi, et non matura deliberatione, ut etiam Concilium decebat, ordinata nec completa. *Nicolai de Clamengis* disp. super materia Concilii generalis cum quodam Scholastico Parisensi (written 1416, see p. 75) in his Opp. ed. *Jo. M. Lydius*. Lugd. Bat. 1613. 4to. p. 70: Quæ alia res in Pisana congregatiōne Ecclesiam Dei populūmque decepit, et clamare fecit: *Pax, pax*, cum nulla esset pax; nisi quia carnales et cupidi homines, qui ubique ex refrigerio charitatis superabundant, beneficiorum ardore succensi, prorsus ex cœcāti ecclesiasticam reformationem, quan boni et fideles plerique ante omnia fieri volebant, impedierunt, ad novamque mox electionēm processerunt, qua facta, et promotionibus quas concupierunt adeptis, pacem esse clamarent, solutoque conventu cum illa quam quæsierant pace, hoc est promotione, reversi sunt? Whether this was an œcumical council long remained doubtful, after the deposition of John XXIII. had obliterated the only trace of its influence. *S. Antonini Summa histor. Tit. XXII. cap. 5. §. 2:* per Pisanum Concilium vel Conciliabulum (eum non esset auctoritate alicujus eorum, qui se gerebant pro Pontifice, congregatum) non erat ablatum ipsum schisma, sed augmentatum, ex duabus vel tribus iam se pro Papa gerentibus. *Cajetanus* de auct. Papæ et Concilii Tract. II. c. 2, says, quod nec illud Concilium constat fuisse certum et indubitatum: *Bellarminus de Conciliis et Ecclesia*, Lib. I. c. 8, calls it nec approbatum, nec reprobatum, but considers Alexander V. and John XXIII. to have been

there were now three; for although Alexander's election was generally recognised, Gregory XII. was still supported by Naples, several of the smaller Italian States, and the German bishops of Triers, Speyer, and Worms, whilst Benedict XIII. had Spain and Scotland on his side. No reformation of the church had taken place, and after the death of Alexander V. in Bologna, 3d of May, 1410,¹⁰ and the succession of the infamous Balthasar Cossa, under the name of John XXIII.,¹¹ none was to be expected from the Pope.¹² John XXIII.

the true Popes of that time: certe ex tribus, qui tum se pro Pontificibus gerebant, isti maxime ut veri Pontifices colebantur. In later times the papal party reject this council as not ecumenical (*Ballerinius* de potestate ecclesiastica summorum Pontificum et Concill. Generall. cap. 6.), and consequently the Popes it appointed, Alexander V. and John XXIII., acknowledging Gregory XII. as lawful Pope till the time of his resignation in Constance (*Raynald.* ann. 1409, no. 79 and 80). The French writers, on the other hand, have always defended the council and its Popes, see *Edm. Richerii hist. conciliorum generalium*, Lib. II. c. 2. § 6. *Bossuet* Defensio declarat. *Cleri Gall.* P. II. lib. 9. c. 11. especially *Natalis Alex. hist. eccl. sœc. XV. et XVI.* diss. II.

¹⁰ Probably poisoned by his successor. See the Articuli contra Joh. P. XXIII. presented to the Council of Constance (in v. d. *Hardt* Conc. Const. T. IV. p. 197): Dicitus tunc Dominus Balthasar appellatus, Legatus Bononiæ existens, ad papatum illicitis mediis anhelans, in mortem bonæ memorie Domini Alexandri Papæ V. extitit machinatus, et ut tam ipse, quam medicus suus Magister Daniel de sancta Sophia, artium et medicinae Doctor, veneno extinguerentur, prout extinti sunt, operam dedit. Sicque, ut prædictitur, fuit dictum, tentum, creditum et reputatum, diciturque, tenetur, creditur et reputatur. Atque fuit et est de præmissis in civitate Bononiensi et extra per totum mundum publica vox et fama, et est graviter et notorie diffusatus. Conrad Justinger (\ddagger 1426) *Berner Chronik*, ed. by Stierlin and Wyss, Bern. 1819. 8vo. S. 275: "And it was the common report that his death was furthered by him who proved his successor." *Antoninus* P. III. Tit. XXII. Cap. 5, § 3, says only: migravit a sæculo, ut dicitur, toxicatus in clisterio.

¹¹ See Conrad Justinger, S. 276. Also *Theod. a Niem* *Invectiva* in diffugientem a Constant. Conc. Joh. XXIII. in v. d. *Hardt* Conc. Const. T. II. p. 296 seq. Ejusd. Vita Jo. XXIII. ibid. p. 336, and the Articuli cited in preceding note.

¹² See the Regulæ Cancellariæ Joh. P. XXIII. published July 19, 1410, in v. d. *Hardt* I. XXI. p. 954. *Petrus de Alliaco* de difficultate reformationis in Conc. universalis ad Jo. Gersonem, 1410, cap. 2 (in v. d. *Hardt* Conc. Const. T. I. P. VI. p. 256 seq.): Quippe notorium est, quod dictus Johannes in primordio sui Pontificatus reservarit suæ dispositioni omnes Patriarchales, Metropolitanas ac Cathedrales Ecclesiæ, necnon omnia Monasteria virorum, prout etiam nonnulli ejus prædecessores summi Pontifices facere consueverunt. — Item ultra prædictas et omnes generales alias reservationes quarumlibet inferiorum dignitatum et beneficiorum ecclesiasticorum per eum etiam factas, extra solitam consuetudinem eorundem suorum prædecessorum, reservavit suæ dispositioni omnes Prioratus, Conventuales et majores post Pontificales in cathedralibus, necnon principales dignitates in collegiatis Ecclesiis ubique vacantes et vacaturas. — Item dictus Johannes aliam fecit constitutionem, continentem in effectu, quod quicunque ab eo impetraret qualecumque beneficium ecclesiasticum, — antequam illi super eadem impetracione literæ apostolice in Romana curia confectæ traderentur, solverebat camerae Apostolice realiter medietatem fructuum dicti beneficii impetrati unius anni. To this were added duas novellæ constitutiones. Namely, olim quicunque præfecti fuerant cathedralibus Ecclesiis, aut Monasteriis virorum vacantiibus in Prælatos, non arctabantur per sedem Apostolicam, ut in promtu plus solvarent Camerae Apostolice aut collegio Cardinalium pro communis servitio, quam medietatem taxæ, ad quam Ecclesiæ vel Monasteria ipsa in eadem Camera reperiebantur esse taxata. Et pro alia medietate solvenda promotis — dilatio dabatur. — Quas quidem taxas oportet promotos per ipsum Dom. Johannem integraliter sol-

bent all his powers to the struggle with Ladislaus, king of Naples, who maintained the cause of Gregory XII. After all his efforts had proved ineffectual, even a crusade against him which he had caused to be preached from A. D. 1411,¹³ the king was at length won over by negotiation, A. D. 1412, and Gregory XII., betrayed and forsaken, had to seek refuge in Rimini with his friend Charles of Malatesta.¹⁴ Not long after, however, Ladislaus quarrelled with his new friend, and advancing upon Rome, compelled John to fly into the North of Italy, and there throw himself into the arms of the emperor Sigismund. Under these circumstances, the emperor prevailed on him to summon the long desired General Council, which was at length to put an end to the confusion and dissensions of the church, at Constance, on the 1st of Nov. 1414.¹⁵

vere, — antequam literæ Apostolicæ — tradantur ipsis promotis. — Ex quo contin-
git, quod plures Ecclesiarum et dignitatum seu monasteriorum, ad quæ promoti
sunt, possessionem nequeant apprehendere. Further, olim ante schisma — ratione
inferiorum dignitatum et beneficiorum Ecclesiasticorum vacantium — non consue-
verunt impetrantes *medios fructus* dignitatum et beneficiorum præfatorum eidem
camere solvere, priusquam illa essent pacifice assecuti. Et tunc concordabant
super illis cum collectoribus fructuum dicta camerae in diversis partibus debitо-
rum. — Nunc autem extorquentur dicti medii fructus ab impetrantibus ipsis in
eadem curia, antequam eis literæ Apostolicæ confectæ super talibus gratiis tradan-
tur per officiales dicta camerae. — Et quod deterius est, si forte centum concurre-
rent pro uno beneficio vacante et reservato impetrando, daretur omnibus per
Papam. Tamen si literas Apostolicas super ipsis imprecatiōnibus suis vellent
habere, quemlibet eorum incunctanter mediatae fructuum dicti beneficii præfatae
camerae ante omnia solvere oportet, licet nisi unus eorum illud assequi posset
(comp. *Anonymous in Bulæ hist. Univ. Paris*, IV. p. 914). — Cap. 3, p. 260 :
Cum igitur juxta præhabita pateat, quod apud Papam et ejus collegium Cardinalium
nulla vigeat charitas quoad alios Prælatos et Christianos, sed perpetua et insa-
tiabilis rapacitas potius ardeat in eisdem, ut qualitercumque dicebatur : dato, quod
generale Concilium convocaretur et fieret, sicut dicitur et consulit fieri debere,
qualis ex hoc utilitas universalis Ecclesiæ resultaret? Esto, etiam, quod omnes
isti tres de papatu contendentes sponte cederent, aut ad cedendum compellerentur
inviti, eisque novus Papa, sicut factum fuit in Pisis novissime, surrogaretur : dicti
Cardinales in statu eorum nihilominus remanentes dicerent, quod ad eos dunxat
spectaret electio summi Pontificis. Quod si obtinerent, non est dubitandum, quin
unum ex se ipsis eligerent, sicut fecerunt in Pisis. Sicque nulla reformatio effi-
cax et fructuosa ex cessione hujusmodi sequeretur, nisi vocalis, et unius personæ
mutatio tantum. Et hi quidem electus et electores juxta mores veteres eorum
similiter perpetuum errorem in ipsa Ecclesia continuarent, quoque unus eorum
in eodem statu in ipsa Ecclesia remaneret. Certum est enim, quod mystice sacer-
dotes Bel cum eorum uxoribus et filiis omnes unanimiter in lacum leonum missi
fuerint, ut per ipsos leones devorarentur. Quod si aliqui eorum supervivissent,
extunc etiam cibos regios, eidem Bel singulis diebus appositos devorassent, prout
ante deceptorum facere consueverant. Et ne hoc deinceps fieret taliter, una senten-
tia super omnes justo Dei iudicio lata subito perierunt.

¹³ *Raynaldus*, ann. 1411, no. 5; ann. 1412, no. 2.

¹⁴ *Theodor. a Niem de vita Jo.* XXIII. c. 22 and 24. *H. Leo Gesch der italienischen Staaten.* Th. 4to. (Hamburg. 1830.) S. 271 ff.

¹⁵ *Leonardus Aretinus in Muratori* XIX. p. 928 : Unicum remedium et Im-
peratori et Pontifici videbatur generale Concilium advocari. Sed erant circa hoc
ipsum constituenda permulta, seu locus, tempus, modus. Missi sunt igitur his de
causis ad Sigismundum Legati. Horum missio Legatorum ruinæ Pontificis initium
fuit. Qua in re non videtur prætereundum mirabile quiddam, quod tunc accidit,
ut omnia cœlitus gubernari cognoscamus. Communicaverat mecum Pontifex
arcane mentem et cogitationem suam. *In loco*, inquit, *Concilii rei summa est*,

§ 130.

COUNCIL OF CONSTANCE (5 Nov. 1414 to 22 April, 1418), MARTIN V.
(11 Nov. 1417, † 20 Feb. 1431).

*Magnum œcumenicum Constantiense Concilium ex ingenti antiquissimorum
Msctorum mole diligentissime erutum op. H. v. d. Hardt. VI. Tomi. Francof.
et Lips. 1700. Tom. VII. sistens indicem generalem. congessit G. Ch. Bohn-
stedt. Berolini. 1742. fol.*

Theodorici Vrie (written also *Vrike*, *Frig*, *Frie*, and erroneously *Uric* or *Urias*, an Augustine monk in Osnabrück, see *v. d. Hardt Prolegg. ad T. I. Conc. Const. p. 22 seq.*) *de consolatione Ecclesiae libb. IV.* written 1417, ed. by *v. d. Hardt*, with the title *Historia Conc. Constantiensis* (*Conc. Const. T. I. I. p. 1 seq.*)

Histoire du Concile de Constance par *Jaques Lenfant*. Tomes II. à Amsterdam 1714. nouv. édit. 1727. 4to. Nouvelle Histoire du Concile de Constance, où l'on fait voir, combien la France a contribué à l'extinction du Schisme, par *Bourgeois du Chastenet* à Paris. 1718. 4to. (a continuation of *v. d. Hardt* and *Lenfant*). — *Gasp. Röyko's Gesichte der Kirchenversammlung zu Göstnitz. Prag. Th. 1. 2. 2te Aufl. 1796. Th. 3. 4to. 1784, 1785. Register 1796. gr. 8vo.*

The longing for peace in the church and a thorough reform had been only increased by the disappointment in the case of Alexander V. and the scornful disregard of John XXIII., whilst the principles and propositions so powerfully supported in the writings of John Gerson¹ were adopted by so many of those who assembled to the

nec ego alicubi esse volo, ubi Imperator plus possit. Legatis igitur istis, qui a me mittuntur, mandata amplissima, potestalemque maximam ad honestatis speciem dabo, quæ palam ostentare possint, atque proferre; secreto autem mandatum restringam ad loca certa. Afterwards, however, he concluded to give them only general instructions, ostendens quanti ponderis illa res esset, eujus rei gratia mitterentur, and dismissed them with the injunction: *restrae prudentiæ cuncta permitto. Vos, quid mihi tutum, et quid formidandum, cogitetis.* After the place had been agreed upon between the ambassadors and the emperor, Johannes incredibile quantum indoluit, se ipsum ac fortunam suam detestatus, quod tam leviter a cogitatione, propositoque, illo pristino restringendorum locorum descivisset. The bull, appointing the council, d. Laudæ V. Id. Dec. 1413, see in *Raynald*, ann. 1413, no. 22. *v. d. Hardt*, T. VI. p. 9.

¹ Especially in the work written 1410 (cf. cap. 21, cum ad præsens de facto vacet Imperium, et Imperii Electores diversis obedienti), *Opus de modis uniendo ac reformandi Ecclesiæ in Concilio universalis* (in *v. d. Hardt Conc. Const. T. I. P. V. p. 68 seq.* and in Opp. *Gersonii ed. du Pin*, T. II. P. II. p. 161 seq.), in which he attempts to meet the difficulties raised by *Petrus de Alliaco* de difficultate reform. in *Conc. Univ.* (see § 129, note 12). Worthy of remark is the distinction which he makes between the una, sancta catholica and the Apostolica Ecclesia, see *v. d. Hardt*, cap. 2, p. 70: *Catholica, universalis Ecclesia ex variis membris unum corpus constituentibus — est conjuncta et nominata. Cujus corporis, universalis Ecclesiæ, caput Christus solus est. Ceteri vero, ut Papa, Cardinales, et Prælati, Clerici, Reges, et Principes, ac plebeji sunt membra inæqualiter disposita. Nec istius Ecclesiæ Papa potest dici nec debet caput, sed solum vicarius Christi, ejus vicem gerens in terris, dum tamen clavis non erret. Et in hac Ecclesia, et in ejus fide omnis homo potest salvari, etiamsi in toto mundo aliquis Papa non posset reperiri. — Hæc Ecclesia de lege currenti nunquam errare potuit, nunquam defi-*

cere, nunquam schisma passa est, nunquam hæresi maculata est, nunquam falli aut fallere potuit, nunquam peccavit (according to Gratian's decree, Caus. XXIV. Qu. 1, per totum). In ista etiam omnes fideles, in quantum fideles sunt, unum sunt in Christo, in cuius fide non est distantia Judæi, Græci, domini et servi. Alia vero vocatur *Ecclesia Apostolica* particularis et privata, in catholica Ecclesia inclusa, ex Papa, Cardinalibus, Episcopis, Prælatis et viris ecclesiasticis compaginata. Et solet dici Ecclesia Romana, cuius caput Papa creditur: cæteri vero Ecclesiastici, tanquam membra inferiora et superiora, in ea includuntur. Et hæc errare potest, et potuit falli et fallere, schisma et hæresin habere, etiam potest deficere. Et hæc longe minoris auctoritatis videtur esse universalis Ecclesia: — et est quasi instrumentalis et operativa clavium universalis Ecclesiæ, et executiva potestatis ligandi et solvendi ejusdem. Nec de recta conscientia majorem habet vel habere potest auctoritatem, et executionem potestatis, quam sibi ab universalis Ecclesia conceditur. Cap. 5, p. 75: Si propter salvationem unius regni, unius provinciæ, deponitur unus Rex, unus Princeps sæcularis, qui per successionem perpetuam descendit: multo magis unus Papa, unus Prælatus est deponendus, qui per electionem Cardinalium fuit institutus, cuius pater et avus forsan ventres implere non sufficiebant fabis. Durum enim est dicere, quod filius unius Veneti pectoris papatum debeat tenere cum detimento totius reipublicæ ecclesiasticæ. — Sed forte me voluisti capere in sermone per varia scripta, allegando, quod tam sancta, tam alta sit potestas Papæ, ut a nullo mortalium judicari valeat nec deponi, nisi propter hæresin incorrigibilem: ad hæc alleges Dist. XL. can. 6. Sed perpende, mi frater, quanta fraude, quanta astutia temporibus antiquis fuerint facta et scripta quam plurima ad tenendum hanc dignitatem Papatus. — Dico, quod tantam fraudem in administratione hujus Papatus fecerint aliqui antiqui, qui — multa jura sibi usurparunt, et pro se fecerunt, et de republica non curarunt. Et quis fecit illos libros, *Sextum* et *Clementinas*, arrogantium, superbiam, juris Ordinariorum locorum usurpationem, Imperatorum Romanorum injuriosam detractionem, et eorum aliorumque potestatis periculosisimam suppressionem, et alia multa in spiritualis et sæcularis reipublicæ læsionem malitiose et pertinaci ambitione fabricata, in omnibus et per omnia concludentes. Et male: quia non minus terreno Principi in his, quæ ad jura pertinent imperii, quam spirituali in his, quæ ad Deum spectant, debetur obedientia. — Igitur omnes inobedientes Romano Imperatori, et ejusdem imperio, quia ejus jura usurpat, in statu damnationis existunt. Nihilominus et Papæ voluerunt observari illos sicut sancta Dei Evangelia. — Papa, ut Papa, est homo, et ut homo, sic est Papa, et ut Papa potest peccare, et ut homo potest errare. — Subjicitur ergo, ut alter Christianus, in omnibus præcepto et mandato Christi. — Cum ergo Christi præceptum dicat: *Si peccaverit in te frater tuus, corripi eum inter te et ipsum solum: si te non audierit, adhibe duos testes, sin autem, dic Ecclesiæ* (Matth. xviii. 15): cum ergo Papa sit meus frater et proximus in natura et in Christi fide; — corripiendus est juxta processum præcepti Christi. Non ergo illud decretum est tenendum, quod Papa a nemine sit judicandus. — p. 80: Papatus non est sanctitas, nec facit hominem sanctum, licet volenter disponat ad sanctitatem, sicut faciunt cæteræ dignitates ecclesiasticae. — Et si dicatur: *illa sedes aut sanctum facit, aut sanctum invenit*; intelligitur ita: *debet sanctum invenire*. Ridiculum est enim dicere, quod unus homo mortalis dicat se potestatem habere in cœlo et in terra ligandi et solvendi a peccatis, et quod ille sit filius perditionis, simoniacus, avarus, mendax, exactor, fornicator, superbus, pomposus, et pejor quam diabolus. — Cap. 9, p. 87: Sed numquid tale Concilium, ubi Papa non præsidet, est supra Papam? Certe sic. Superioris in auctoritate, superioris in dignitate, superioris in officio. Tali enim Concilio ipse Papa in omnibus tenetur obediens, tale Concilium potest potestatem Papæ limitare, quia tali Concilio, cum repræsentet Ecclesiam universalem, claves ligandi et solvendi sunt concessæ. Tale Concilium jura papalia potest tollere, a tali Concilio nullus potest appellare, tale Concilium potest Papam eligere, privare et deponere, tale Concilium potest jura nova condere, et facta ac antiqua destruere, talis etiam Concilii constitutiones, statuta et regulæ sunt immutabiles et indisponibilis per quamcumque personam inferiorem Concilio. Nec potest, nec potuit aliquando Papa dispensare contra canones sanctos in Conciliis generalibus, nisi Concilium specialiter hoc illi commiserit ex magna causa. Nec facta Concilii potest Papa immutare, imo nec interpretari, aut contra ea dispensare, cum sint sicut Evangelia Christi, quæ nullam recipiunt dispensationem, et super quæ Papa

nullam habet jurisdictionem. — Cap. 10, p. 90: Concilium ergo generale, representans universalem Ecclesiam, si affectat unionem integrum videre, si affectat schismata reprimere, si vult Ecclesiam exaltare; primo ante omnia ad instar sanctorum Patrum, qui nos præcesserunt, limitet ac terminet potestatem coactivam et usurpatam papalem. (Here follows the passage cited above, § 106, note 3). p. 91: Ideo sacrum universale Concilium reducat et reformet Ecclesiam universalem in jure antiquo. Et abusivam papalem in Decreto et Decretalibus, Sexto et Clementinis, neconon Extravagantibus papalibus prætensam limitet potestatem. Christus enim nullam aliam potestatem Petro tribuit, quam ligandi et solvendi, ligandi per premitias, et solvendi culpas. Non enim illi contulit, ut beneficia tribueret, ut regna, castra et civitates haberet, ut Imperatores et Reges privaret. Quod si taliter potestatem Christus Petro contulisset, utique ipse Petrus aut Paulus, quod nefas est dicere, valde peccassent, aut errassent in eo, quod Neronem Imperatorem, quem sciverunt esse pessimum, et Christianorum immanissimum persecutorem, imperio non privarint. — Et quis unquam legit, vel in veritate auditiv, quod antiquis temporibus Romanorum Reges vel Imperatores consueverint ante Papam juramentum præstare, potissimum antequam primus Otto Magni Augusti semper alter, juramentum reperitur in Decretis præstissime? quod indulatum a quoquam Papæ fuerit, ut reservationes cathedralium et aliarum Ecclesiarum ac Monasteriorum faceret? ut propter pecunias homines, Episcopos et Prælatos excommunicaret, atque ab eorum dignitatibus destitueret, seu privaret, ac omni die festivo in valvis Curiæ? ut primos fructus in Camera soleret aggregare, et excommunicatos emaciaret ac eos scandalizaret? (cf. cap. 17, p. 110: ita ut jam non videatur Romana Curia esse, nisi quoddam forum publicum, ad quod quo quis plura portaverit, plura mercimonia habebit.) — Reformetur etiam Ecclesia quoad Cardinales, qui tot commendas habent sine causa, destruentes tot Ecclesias et Monasteria. — Reformetur etiam Ecclesia in Prælatis, in Monachis et Presbyteris. In Prælatis, ut electi ad Ecclesias vita honestate, literarum sufficiencia, et perfecta ætate excellentes per Ordinarios et Archiepiscopos confirmentur; in Monachis, ut vivant in observantia regulari: in Presbyteris, ut non præficiantur Ecclesiis, nisi virtutibus clari et literarum sufficientia fuerint imbuti, docti et instructi. — Rescindantur etiam abusivæ libertates et exemptiones, concessæ illis quatuor Ordinibus fratrum meridicantium, quibus nimium abutuntur. — Et liberentur ab ipsis omnino omnia monasteria Monialium, quia ipsi fratres, seu multi ex eis in plerisque provinciis valde deturpant ipsas moniales eis subjectas. — Nimis etiam multiplicantur hi fratres. Et quid opus est, ut in aliqua domo eorum fratrum, scilicet Coloniæ, — continue residenceant LXX. coruim, aut plures, inter quos forsitan non sunt quinque vel sex sufficietes ad proponendum verbum Dei populo. Et tot pro una tota provincia sufficere possent. Cap. 12, p. 96: Sed timeo, dato etiam, quod ista reformatio fiat in scriptis, etiam certis juramentis et firmamentis ac paetis adjectis, quod post per Papam et Cardinales, ac cæteros ipsius Curiæ Officiales et Prælatos non observarentur, dicente Francisco Petrarcha in libro sine nomine: Crescentibus flagitiis hominum crevit veri odium, et regnum blanditiis atque mendacio datum est. Et quia difficile est, consueta relinquere. — Cap. 16, p. 105: Aut ergo congregetur Ecclesia ad hoc, ut sancta et actitata in concilio Pisano demandentur ulteriori et reali executioni, et illi duo (Greg. XII. et Bened. XIII.) privati de jure etiam preventur de facto. Aut ubi hoc remedium reperiri non poterit, quod est verisimile reperiri non posse propter adstrictas obedientias eis subditas, seu potentes obedientes ipsis, qui ab eis deviare nolunt: tunc, si illi duo privati et abjecti petant generale concilium, et promittant, se ibidem personaliter velle comparere, et suo juri de facto, quod habent, libere et pure renunciare in casu, quo Dominus noster Papa Johannes etiam suo juri renunciare velit: tunc in isto casu quid fieri, dicam sine præjudicio, quod ipse Dominus noster, Papa, si alias non potest consulti Ecclesiae, — non dico unum Papatum, sed plures, si essent possibles, teneatur in casu isto libenter et voluntarie renunciare, et Papatum suo cedere, ne respublica et tota Ecclesia propter unum hominem peccatorem sine virtutibus et exemplis bonis debeat perire. — Cap. 17, p. 107: Tunc — universalis Ecclesia — reformatur. Sed tunc caveat universalis Ecclesia super omnia, ut nunquam sub quovis colore concedat Papæ potestatem dispensandi contra statuta generalis Concilii, aut ea interpretandi, seu immutandi propter varietates temporum, et novos supervenientes casus; sed quod solum illa debeat immutari per aliud Concilium generale, fiendum de tempore in tempus propter reformationem

Council of Constance,² that John could not but see the danger that threatened him. He opened the council with the usual papal pomp (Nov. 5, 1414), but soon found himself deprived of the advantage of the majority secured by the number of Italian votes, which the popes had enjoyed at all former synods, by the decision to vote by nations.³ The strong wish, shared by all, to put an end to the

Ecclesiæ. Luce enim clarius constat, quod pro majori parte facta et ordinata in quatuor generalibus Conciliis principalibus, et aliis Conciliis per temporum successiones statuta, crescente avaritia Pontificum, Cardinalium, et Prælatorum, tam per Papa reservationes, quam per iniquas Cameræ Apostolicæ constitutiones et Cancelleriae regulas, et formulas audienciae causarum Rota, et ambitionis dispensationes, absolutiones, indulgentias, confessionalia, officium pœnitentiariae sint fere immutata, annibilata, et quasi in derisum et oblivionem posita. — Cap. 24: Subsequenter autem venio ad illas novellas constitutiones Alexandri et Johannis prædicatorum, quibus cavitur, quod promotus ad aliquam Ecclesiam cathedralem, vel aliquod Monasterium, etc. et quod impetrans beneficium reservatum a Papa, etc. (see § 129, note 12.) Huic quæstiōni, Pater reverende, cum non sint de jure, sed de facto hæ pestiferæ constitutiones, satisfacere nequeo ad præsens, cum sint super violentia manifesta, Simonia publica, rapacitate lupina, et ovium Christi dispersione fabricatæ, quæque ad aliud non sunt, nisi ut eorum conditores furentur, mactent et perdant, ipsi videlicet Papæ et Cardinales. Quocirca ut futurus Rex vel Imperator Romanus, Domino concedente, adharet dictis Angelo (Gregorio XII.), et Petro (Benedicto XIII.), et tali lupo rapaci, et tali raptori tyranno (Joanni XXIII.), qui non regnat in Ecclesia, nec principatur propter bonum commune, sèd solum propter bonum privatum, et ejus principatus est manifesta tyrannis, quod sana conscientia compellat, seu compelli faciat, aut audeat compellere, non video. — Sic ergo concludo, quod superioribus sit obediendum in licitis et honestis: non autem compelli debemus ad eorum obedientias, ubi opera eorum sunt notorie prava, et totam Ecclesiam scandalizantia; ubi est patrimonii Christi manifesta dissipatio et injuriosa dispensatio; ubi pastores sunt tonsores; ubi non sunt agni, sed lupi; ubi non sunt dispensatores mysteriorum Christi, sed dissipatores; ubi non sunt sobrii, sed ebrii; ubi non sunt Prælati, ponentes animas suas pro oibus suis, sed Pilati, satisfacientes aliorum cupiditatibus et desideriis, et ubi non mittunt retia sua in capturam animalium, sed pecuniarum. Omnis enim eorum cura circa acquisitionem pecuniarum est. Et breviter, ubi non Christi, sed mores gerunt Antichristi. Et ideo Christus dixit, talibus non obediendum. *In novissimis enim temporibus multi venient in nomine meo, dicentes: ecce hic Christus, ecce illic Christus* (Matth. xxiv. 23): sicut modo dicitur: ecce hic est verus Papa, ecce iste alius est verus Papa. *Nolite credere eis*, ait Christus. Imo, si nos debemus subtrahere ab omni fratre ambulante inordinate, quanto magis a superiori perverso et iniquo, ex ejus exemplo tota corruptitur respublica, et sancta mater Ecclesia deturpatur.

² See the catalogue of Gebhard Dacher, taken by the order of the Elector of Saxony, who presided, in *v. d. Hardt*, T. V. P. II. p. 10 seq., and another in *Justingers Berner Chronik*, S. 320 ff. Comp. *Lenfant*, T. II. p. 365 seq. Dacher's catalogue closes: *Mulieres communes, quas reperi in domibus, et ultra et non minus, exceptis aliis*, DCC.

³ See *r. d. Hardt*, T. II. p. 224 seq. The papal party wished quod in Concilio — soli Prælati majores, Episcopi et Abbates habeant vocem in definitiva sententia agendorum. This was opposed by the Card. Cameracensis (Petrus de Aliaco) in a Schedula, in which he reminds the council, quod a tempore nascentis Ecclesiæ — varii fuerunt modi observati — in modo congregationis et deliberationis Conciliorum generalium. Nam, sicut patet in Actibus Apostolorum, quandoque in Conciliis congregabatur tota communitas Christianorum, quandoque Episcopi, Presbyteri, Diaconi, quandoque soli Episcopi sine Abbatibus, quandoque cum Episcopis Abbates, quandoque Imperator convocabat et congregabat Concilium. — Item sciendum est, quod quando in Conciliis generalibus soli Episcopi habebant vocem definitivam, hoc fuit, quia habebant administrationem populi, et erant viri sancti et docti et electi præ cæteris in Ecclesia christiana. Postea fuerunt additi Abbates

schism, soon led to the resolution to annul the decrees of the Council of Pisa, on which the claims of John XXIII. were founded, and to induce all three popes to resign.⁴ Fearing the result of an investiga-

eadem de causa, et quia habebant administrationem subjectorum. Et eadem ratione addi deberent Piores aut majores quaruncunque congregationum plus quam Episcopi, vel Abbates inutiles, solum titulares. — Item eadem ratione, qua supra, non sunt excludendi a voce definitiva Sacrae Theologiae Doctores, ac juris canonici et civilis. Quibus, et maxime Theologis, datur auctoritas predicandi aut docendi ubique terrarum, qua non est parva auctoritas in populo Christiano, sed multo major quam unius Episcopi vel Abbatis ignorantis, et solum titularis. Et quia antiquitus haec Doctorum auctoritas non erat introducta per modum Studiorum generalium, qua hodie auctoritate Ecclesiæ observatur, de eis non fit mentio in antiquis juribus communibus, sed in Concilio Pisano et Romano (of 1412) corum auctoritas allegatur, et in definitiva sententia se subscriptiunt. Quare eos in simili excludere præsens Concilium, quod est dicti Pisini continuativum, non solum esset absurdum, sed dicti Pisani Concilii quodammodo reprobatum. — Item quantum ad materiam terminandi præsens schisma et dandi pacem Ecclesiæ, velle excludere Reges, Principes aut Ambasiatores eorum — a voce seu determinatione etiam conclusiva, non videtur justum, æquum, aut rationi consonum; cum hujusmodi pacis conclusio ad eos et populos eis subjectos valde pertineat, et sine eorum consilio, auxilio et favore non possint ea, quae in hoc Concilio concludentur, executioni mandari. To the same effect the Schedula of Cardinalis S. Marci (Guil. Philasterius, Fillastre), p. 226: Tu, quisquis es, qui prætendis primo, solos majores Prelatos, ut his verbis utar, Episcopos et Abbates, habere vocem in generali Concilio: et ita excludi Doctores, Archidiaconos, Rectors parochialium Ecclesiærum, cæterosque dignitates habentes, quibus cura imminet animarum, Ordines præterea ecclesiasticos, Sacerdotes et Diaconos, dic, ubi illos non admittendos legisti? Et si legeris Conciliorum antiquorum actiones, reperisti Sacerdotes et Diaconos admissos. — Si Canonista es, vide textum Canonis dicente, quod Doctorum Ordo quasi præcipuus est in Ecclesia Dei. Illum ergo Ordinem, et quasi præcipuum Ordinem repellis, et admittis indistincte Episcopos et Abbates, quorum pars major indocta. Et attende, quod Rex, vel Prælatus indoctus est asinus coronatus. Cum illis ergo Doctores admitte, ut illorum scientia defectum, qui tamen auctoritatem habent, istorum scientia et doctrina suppleant. Further: inter Episcopos et Presbyteros, quantum ad ordinationem et meritum, Apostolus nullam differentiam facit. Then arose the question, p. 230: Quomodo deciderentur agenda in Concilio, et fieret scrutinium votorum? utrum per nationes in genere, quarum quatuor erant, nimirum Italiae, Galliae, Germaniae et Angliae, vel per capita singula? Et licet clarum de jure videatur, quod perscrutanda sint vota per capita singula: quia tamen plures sunt Prælati Italiae pauperes, quam fere de omnibus nationibus, præterea Dominus noster fecit in numero excessivo Prælatos Cubicularios ultra quinquaginta; dicitur præterea, quod multis voluit sibi obligare juramentis et muneribus, alios minis terruisse, ut ita scrutando per capita nihil fieret, nisi quod vellet Dominus noster; in istis questionibus Concilium diu perpendit. — Interim Nationes ulterioris Galliae, Germaniae et Angliae, et ita postea Italiae, per se ipsas se congregaverunt et deciderunt *de facto* quæstionem. *Cerretanus* says in Actis Conc. Const (v. d. Hardt IV. II. p. 40): Die Jovis, septima Februarii, post nonnullas disceptationes decretum est, ut in Concilio per Nationes, et non per vota procederetur.

⁴ In the Congregation of December 7, 1414, it was proposed to the Italians who were devoted to the cause of John XXIII. (see Schedula in *v. d. Hardt* IV. I. p. 24), quod declararetur, Concilium Pisanum, omniaque et singula acta et gesta in eo, indeque secuta, fuisse et esse rationabilia et canonica, et ab omnibus et per omnia admittendum fore, et sub penis canoniciis admitti debere, et executioni sub jacere condemnata in eo. Et pro corum executione quod Papa teneatur et debeat expellere Petrum de Luna, et persecui Errorium (Gregorium XII.) dejectos, eorumque fautores et defensores. On the other hand, *Petrus de Alliaco*, Card. Cameracensis, sought to prevent the confirmation of the council of Pisa (Schedula in *v. d. Hardt* II. p. 194): In præsenti Concilio non est revocandum in dubium, sed pro fundamento supponendum, quod Concilium Pisanum fuit legitimum, et

canonice celebratum, et ideo stabile et firmum. — Confirmatio Pisani Concilii, simpliciter et sine nova causa facta, non habet proprie auctoritatem mentes solidandi, sed magis irritandi, nec omnem scrupulo-itatem in causa dicti Pisani Concilii amovendi, seu errores circa ipsum extirpandi, sed magis novos errores inducendi, et schismatis obstinationem confirmandi, nisi prius convenientia remedia adhibeantur. In a second *Schedula* he proposed (l. c. p. 196): Quia ejectio duorum contendentium de Papatu non est facilis vel verosimilis obtineri via belli, tentandum erit, et diligenter tractandum, quod fiat pax per ipsorum reductionem vel voluntariam cessionem. Still more distinctly in certain *Conclusiones* (l. c. p. 200): Licet Concilium Pisanum probabiliter creditur representasse universalem Ecclesiam, et vices ejus gessisse, quae Spiritu Sancto regitur, et errare non poterit: tamen propter hoc non est necessario concludendum, quod a quoque fideli sit firmiter credendum, quod illud Concilium errare non potuit, cum plura priora Concilia fuerint generalia reputata, quae errasse leguntur. Nam secundum quosdam magnos Doctores generale Concilium potest errare non solum in facto, sed etiam in jure, et quod magis est, in fide. Quia sola universalis Ecclesia hoc habet privilegium, quod in fide errare non potest. In January, 1415, ambassadors arrived from Gregory XII. and Benedict XIII. (v. d. Hardt IV. II. p. 33 seq.), and the former gave notice in the name of their master (v. d. Hardt II. p. 204): Viam cessionis Papatus — ex nunc pura et sincera intentione offerimus — juxta determinationem Concilii per Regiam Majestatem de omnibus obedientiis et nationibus in hoc schismate in civitate Constantiensi congregati, dicto Balthasare, qui a nonnullis Johannes XXIII. nuncupatur, non praesidente, nec interessante, cum effectu perficiendam, præfatis Petro de Luna et Balthasar Cossa idem facientibus. Then in February the Cardinalis S. Marci (Gulielmus Philasterius, formerly Decan in Rheims) came forward with the proposal (v. d. Hardt II. p. 210) cessionis fiendæ ab omnibus, and in answer to the question, utrum ad illam teneatur Dominus Johannes? replied: in casu, in quo est manifeste Summus Pontifex, quanto verior pastor Ecclesiæ, tanto libentius, ferventius et citius debet pro pace et unione Ecclesiæ aggredi viam cessionis et offerre. Patet conclusio ex dictis summi pastoris dicentis: *bonus pastor animam suam ponit pro oribus suis* (Jo. x. 12). — Si autem animam tenetur ponere, multo magis accidentia vita, honorem, potestatem, dominatum. — Quia ex præmissis tenetur ad hoc, igitur compelli potest, si recusat. — Nec dubitandum, quin generale Concilium sit judex competens in hac parte. On the other hand, various *Schedulæ* were handed in by the papal party (l. c. p. 214 seq), in which it was shown, p. 216: Via cessionis, quæ Domino nostro proponitur, — quoad Concilium Pisanum, est irrationabilis et injusta, quia est reprobata et annulativa ipsius Concilii Pisani. To this it was answered by the Card. Cameracensis (p. 220): Licet Concilium (Pisanum) fuerit legitime et canonice convocatum, rite et canonice celebratum, et duo olim contendentes de Papatu juste et canonice condemnati, et electio Domini Alexandri V. fuerit canonice et rite facta, — prout hæc omnia tenet Obedientia Domini nostri Papæ Johannis XXIII.: tamen due Obedientia duorum contendentium probabiliter tenent contrarium. In qua opinionum diversa et adversa varietate non sunt minores difficultates juris et facti, quam ante Concilium Pisanum erant de justitia duorum contendentium. Ex quo sequitur secunda conclusio, quod, sicut ante Concilium Pisanum ad evitandum difficultates juris et facti, et prolixitatem, et dilationem pacis Ecclesiæ, tunc acceptata fuit ab omnibus Christifidelibus et laudata via cessionis amborum contendentium, sic et nunc trium contendentium de Papatu, similiter etiam majori ratione acceptanda est et laudanda. — Sexta conclusio: Licet regulariter Papa verus et canonicus, de hæresi aut nullo notorio crimen Ecclesiam scandalizante non infamatus, nec suspectus, nequeat ab aliquo particuliari collegio, seu persona singulari contra ea quæ sunt sui juris compelli vel aretari: tamen ab universalis Ecclesia, seu Concilio generali ipsam representante, attenta prolixitate casus praesentis, pro pace Ecclesiæ celerius procuranda, juste posset ad cessionem compelli. Septima conclusio: Si in casu prædicto Papa dictam viam pertinaciter recusat, legitimate posset tanquam schismaticus et de fautoria schismatice pravitatis suspectus rationabiliter condemnari. The result of these negotiations was, p. 230: Et finaliter omnes declinarunt ad viam cessionis secundum formam primæ schedule super hoc date per Cardinalem S. Marci. — Namely (v. d. Hardt IV. II. p. 41): Die 15 mensis Februarii Germanica, Gallica et Anglica nationes viam cessionis tanquam salubriorem ad unionem Ecclesiæ conficiendam elegerunt, utque natio Italica eandem approbat, impetrarunt.

tion of his conduct which he saw impending, John XXIII. was glad to give such a promise on the 2d March, 1415.⁵ Shortly after this (on the 21st of March) he fled to Schafhausen;⁶ but the council, strengthened by the firmness of the emperor, who was present, and

⁵ *Theodoricus de Niem de vita Jo. XXIII. lib. II. cap. 3 (v. d. Hardt II. p. 391)*: Quibus sic stantibus (towards the middle of February, 1415) quidam, ut præsumitur, Italicus, multos articulos valde famosos, et omnia peccata mortalia, necnon infinita quodammodo abominabilia continentes contra eundem Balthasarem in eodem Concilio exhibuit in scriptis, tamen secrete, quod super illis contra eundem Balthasarem fieret inquisitio, et provideretur instanter per Concilium memoratum. Quibus quidem articulis per aliquot majores nationum Germaniæ, Angliae et Poloniæ perlectis, ipsi nullatenus consentire volebant, quod dicti articuli publicarentur, aut contra ipsum Balthasarem inquisitio fieret hujusmodi super illos. Et hoc propter honestatem. Et si contrarium fieret, ut asserebant, per hoc macularetur sedes Apostolica, et confunderentur enormiter etiam onnes de obedientia dicti Balthasar, et ponerentur in dubio promotiones et provisiones per ipsum factæ, et multa scandala exinde subsequi possent. Plerisque etiam aliis nobilibus viris assentientibus et consulentibus, quod illa via inquisitionis fieret, quæ compendiosa foret, et ipsi articuli, et contenta in eis, saltem pro majori parte essent notoria seu manifesta, et propterea modica vel nulla probatione indigerent. Quibus etiam interim elanculo et proditorio ad notitiam dicti Baltharari deductis illico mente consternatus est, et cœpit valde tremere et timere, ac etiam quosdam sibi secretos Cardinales — consulere, — asserens, quod quadam in ipsis articulis descripta tanquam homo peccando commississet, et aliqua non. Et proposuit tune in mente sua, prout et ore propalavit, quod ipsem dictum Concilium vellet personaliter accedere, et quæ de contentis in eisdem articulis perpetrasset, coram ipso Concilio in publico fateri, fundans se in hoc, quod Papa propter quocunque delictum, ut dicebat, nisi propter hæresin, depeni non posset. — Cap. 4: Concilium autem, seu majores deputati in eodem, ignorantes, quod ipse Balthasar prædictos articulos sciret, — accesserunt ad eum, rogantes unanimiter, ut viam cessionis sui Papatus eligeret, ad hoc, quod alii contendentes de Papatu illam similiiter acceptarent, quia alias non viderent modum aptum, quod præfata unio fieret in universalis Ecclesia pro hac vice. Ad hoc ipse lato animo, observata tamen, ex industria, quadam gravitate, respondit, se facturum quod peterent, dum tamen ipsi alii duo contendentes idem facere vellent. Maluit enim illam viam per se, ut existimo, amplecti, quam prædicti articuli ad ejus dejectionem a Papatu admissi et probati fuissent. The first form of the promise given by John (v. d. Hardt II. p. 232), displeased the council, because he would not promise nisi aliis cedentibus, and propter verba irritativa, quia alii vocantur condemnati de hæresi. At length, on the 1st of March, he adopted the following, and took the oath on the 2d of March, in the Sessio generalis II. (l. c. p. 240): Ego Johannes Papa XXIII. propter quietum populi Christiani profiteor, spondeo et promitto, juro et voveo Deo et Ecclesiæ, ac huic sacro Concilio, sponte et libere dare pacem Christi Ecclesiæ per viam meæ simplicis cessionis, et eam facere et adimplere cum effectu juxta deliberationem praesentis Concilii, si et quando Petrus de Luna, Benedictus XIII., Angelus Corario, Gregorius XII. in suis obedientiis nuncupati, Papatui, quem prætendunt, per se vel procuratores suos, legitime cedant: et etiam in quocunque casu cessionis vel decessus, aut alio, in quo per mean cessionem poterit dari unio Ecclesiæ Dei per extirpationem praesentis schismatis. When called upon to confirm this by the literas testimoniales, he at first refused (*Theod. de Niem*, l. c.); on the 7th of March, however, he issued a Bull, in which the promise was word for word repeated (see in v. d. Hardt IV. II. p. 53).

⁶ *Theod. de Niem* II. 7. The letters to the king of France, the duke of Orleans, and the university of Paris, in which the Pope attempts to excuse his flight on the ground that he was not safe in Constance, nor free to act, the council being under the control of the emperor, &c. see in v. d. Hardt II. p. 253 seq. Similar letters were sent to the king of Poland, the dukes of Berry and Burgundy, see *Bourgeois du Chastenet, Preuves*, p. 318; to the duke of Orleans in J. G. Schelhorns *Ergösslichkeiten aus der Kirchenhistorie u. Literatur*, Bd. 1, S. 27 f. Letters of the council in their own justification in v. d. Hardt IV. p. 108,

the bold and energetic words of Gerson,⁷ were not deterred by this from declaring its purposes and asserting its rights as regarded the papal power in a number of formal decrees.⁸ The process was then

to the king of France, *ibid.* p. 129; fuller in Schellhorn, *l. c.* S. 225. In the first, p. 111: *Nos igitur, cum omnia diligenter pensamus, et maturo iudicio deliberamus, nil, aliud eundem (Papam) attentasse conspicimus, quam hujusmodi Concilii dissolutionem, utpote ad unionem Ecclesia intendentis.* And thus, too, according to *Theod. de Niem* II. 8, the Pope's cardinals in Constance strove to spread the notion, *quod Concilium dissolutum esset propter absentiam et recessum dicti Balthusaris.*

⁷ See *Oratio publica de Concilii auctoritate* on the 23d of March in *v. d. Hardt* II. p. 265 seq. *Gersonis Opp. ed. du Pin*, T. II. P. II. p. 201 seq.

⁸ *Sess. generalis III. d. 26 Mart. Decreta pro Concilii integritate et auctoritate post fugam Papæ, per Cardinalem Zabarellam prælecta* (*in v. d. Hardt* IV. p. 72): *Ad honorem, laudem et gloriam sanctissimæ Trinitatis, Patris et Filii et Spiritus Sancti, pacemque in terris hominibus bona voluntatis divinitus promissam in Dei Ecclesia consequendum, hæc sancta Synodus, sacrum generale Concilium Constantiense nuncupata, pro unione et reformatione dictæ Ecclesiæ in capite et in membris fienda, in Spiritu Sancto hic debite congregata, decernit, declarat, diffinit, et ordinat, ut sequitur: Et primo, quod ipsa Synodus fuit et est recte et rite convocata ad hunc locum civitatis Constantiensi, et similiter reete et rite initiaeta et celebrata. Item quod per recessum Domini nostri Papæ de hoc loco Constantiensi, vel etiam per recessum aliorum Prælatorum, seu aliorum quorumcunque, non est dissolutum hoc sacrum Concilium, sed remanet in sua integritate et auctoritate, etiamsi que ordinationes factæ essent in contrarium, vel fierent in futurum. Item quod istud sacrum concilium non debet dissolvi, nec dissolvatur usque ad perfectam extirpationem præsentis schismatis, et quoque Ecclesia sit reformata in fide et in moribus, in capite et in membris. Item quod ipsum sacrum Concilium non transferatur ad alium locum, nisi ex causa rationabili, et de consilio hujus sacri Concilii deliberanda et concludenda. Item quod Prælati et alii, qui debent interesse huic Concilio, non recedant ab hoc loco ante finitum Concilium, nisi ex causa rationabili, examinandi per deputatos seu deputandos ab hoc sacro Concilio. Qua causa examinata et approbata possint recedere cum licentia ejus vel illorum, qui habebit vel habebunt auctoritatem. Et tunc recedens teneatur dimittere potestatem suam aliis remanentibus sub pœnis juris et aliis per hoc sacrum Concilium indicendis et contra eos exequendis.* Still more important resolutions were passed immediately after. The cardinals demanded that various omissions should be made, and though the council did not yield (*v. d. Hardt* IV. p. 81 seq.), the proposed omissions were formally announced by the Cardinalis Florentinus (Zabarella) in the *Sess. gen. IV.* on the 30th of March, see *l. c. p. 89.* This excited a general feeling of displeasure (*l. c. p. 92*) against the cardinals; see the furious invectives of Benedictus Gentianus, the ambassador of the university of Paris, in *v. d. Hardt* II. p. 279. By a unanimous resolution, the former decrees were confirmed without any change, *Sess. gen. V.* on the 6th of April, see *v. d. Hardt* II. p. 98 (what Zabarella wished to leave out is marked by *Italics*): *In nomine sanctæ et individuæ Trinitatis, Patris et Filii et Spiritus Sancti, Amen. Hæc sancta Synodus Constantiensis, generale Concilium faciens, pro extirpatione præsentis schismatis, et unione ac reformatione Ecclesiæ Dei in capite et in membris fienda, ad laudem omnipotentis Dei in Spiritu Sancto legitime congregata, ad consequendum facilius, securius, uberiori, et liberius unionem ac reformationem Ecclesiæ Dei, ordinat, diffinit, statuit, decernit et declarat, ut sequitur. Et primo declarat, quod ipsa in Spiritu Sancto legitime congregata, generale Concilium faciens, et Ecclesiam Catholicam militarem repræsentans, potestatem a Christo immediate habet, cui quilibet, cujuscunque status, vel dignitatis, etiamsi papalis, existat, obedire tenetur in his, quæ pertinent ad fidem et extirpationem dicti schismatis, ac generalem reformationem Ecclesiæ Dei in capite et in membris. Item declarat, quod quicunque, cujuscunque conditionis, status, vel dignitatis, etiamsi papalis, existat, qui mandatis, statutis seu ordinationibus, aut præceptis hujus sanctæ Synodi et cujuscunque alterius Concilii generalis legitime congregati, super præmissis seu ad ea pertinentibus, factis vel faciendis obedire contumaciter contem-*

introduced against John XXIII., which ended in a sentence of deposition on the 29th of May, 1415.⁹ Gregory XII. resigned volunt-

serit, nisi resipuerit, conguæ pœnitentiæ subjiciatur, et debite puniatur, etiam ad alia juris subsidia, si opus fuerit, recurrendo. Item diffinit et ordinat sancta Synodus, quod Dominus Johannes XXIII. Romanam Curiam et Officia publica, illius seu illorum Officiarios de hac civitate Constantiensi ad alium locum non mutet aut transferat, seu personas dictorum officiariorum ad sequendum eum directe vel indirecte cogat, sine deliberatione et consensu ipsius s. Synodi. — Item ordinat et diffinit, quod omnes et singula translationes Prałatorum, necnon privationes eorundem aut aliorum beneficiariorum, officialium, administratorum, quarumcunque commendarum ac donationum revocationes, monitiones, censuræ ecclesiasticæ, processus, sententiae, et quæcunque acta gesta, gerenda, agenda aut fienda per præfatum Dominum Johannem Papam, aut suos officiarios vel commissarios in læsionem dicti Concilii seu adhærentium eidem, a tempore inchoationis ejusdem Concilii — facta seu facienda, — auctoritate hujus sacri Concilii ipso facto sint nulla, cassa, irrita et inania. — Item declarat, quod idem Johannes Papa XXIII. et omnes Prałati, ac ali ad hoc sacrum Concilium vocati, et alii in eodem Concilio existentes, in plenaria libertate fuerunt et existunt, ut visum est dicto sacro Concilio, nec ad notitiam dictorum vocatorum seu dicti Concilii contrarium deductum est. Et hoc testificatur dictum sacrum Concilium coram Deo et hominibus. Of these resolutions the first Sess. V. has always been particularly displeasing to the Italians, who have thus been led to dispute its authority, e. g. *Card. Cajetanus* de auctoritate Papæ et Concilii, *Bellarminus* de Conciliis et Ecclesia, lib. II. c. 19, *Andreas Vallius* de suprema potest. Papa P. IV. Qu. 7. The French, on the other hand, have defended it, see *Richerii hist. Conciliorum*, lib. II. c. 3, § 7. The French clergy having declared in the celebrated propositions of A. D. 1682, nec probari a gallicana Ecclesia, qui eorum decretorum, quasi dubiæ sint auctoritatibus ac minus approbata, robur infringant aut ad solum schismatis tempus Concilii dicta detorqueant; there appeared the work *Emanuel a Schelstraten Actu Constantiensis Concilii ad expositionem decretorum ejus sessionum quartæ et quintæ facientia, nunc primum ex Codd. MSS. in lucem eruta ac dissertatione illustrata*. Antwerp. 1683. 4to., in which not only the former evasions are repeated, but it is further maintained that the first resolution of the 4th Session was interpolated by the Council of Basil, by order of which the Acts of the Council of Constance were first collected; and that it should be only: in his quæ pertinent ad extirpationem dicti schismatis: whilst the decrees of the 5th Session were passed without due consideration, and had not the consent of all. In answer to this *Louis Maimbourg* traité hist. de l'établissement et des prérogatives de l'église de Rome et de ses évêques. Paris. 1685. 12mo. c. 23—25. *Du Pin* de antiqua eccl. disciplina. cap. VI. § 6. *Natalis Alexander* hist. eccl. Sæc. XV. et XVI. Diss. 4. Since the more accurate accounts of the consultations of the council by v. d. *Hardt*, the assertions of Schelstraten are contradicted by the Acts themselves.

⁹ Sess. VI. on the 17th of April, 1415, the synod ordered a draft to be made of a Procuratorii super renunciatione Papatus for John XXIII. (v. d. *Hardt* IV. p. 114), according to which the Procuratores whom he should appoint under certain conditions to which he was to swear, should be empowered to renounce in his name with the stipulation; Et si quovismodo contingat, hujusmodi procuratorum seu procuratores nos revocare, — impugnare, etc. ex nunc prout ex tunc ipsi Papatui cedimus et renunciamus ipso facto, et deinceps pro non Papa haberi — volumus. The Pope refusing to assent to this, he was cited before the council Sess. gen. VII. on the 2d of May (l. c. p. 143), at the Sess. gen. X. 14th of May, suspended (l. c. p. 183), and after 70 Articuli had been proved against him (l. c. p. 196), several of which were not read for fear of offence (p. 237, 247, 253), deposed in the Sess. gen. XII. 29 May (l. c. p. 280), the synod declaring in its sentence, recessum per — Johannem Papam XXIII. ab hac civitate Constantiensi — clandestine — factum fuisse et esse illicitum, Ecclesie Dei et dicto Concilio notorie scandalosum, pacis et unionis ipsius Ecclesie turbativum et impeditivum, schismatis in veterati nutritivum, a voto, promissione et juramento per ipsum Dominum Johannem Papa Deo, et Ecclesie, ac huic sacro Concilio præstitis deviativum; ipsumque Dominum Johannem Papam Simoniæcum notorium, bonorumque et

rily on the 4th of July.¹⁰ Benedict XIII. alone remained unmoved. Notwithstanding the desertion of Spain on the 6th of Jan. 1416, all attempts to induce him to abdicate peaceably proved unavailing; nor did he regard the sentence of deposition passed on the 26th of July, 1417;¹¹ but as his jurisdiction was limited to the small city of Peñiscola in Valencia, this seemed of little importance.¹²

Warned by the experience of the Council of Pisa, the emperor Sigismund with the Germans, at first supported by the English, demanded next that the intended reformation¹³ should be carried into

jurium, nedum Romanæ sed aliarum Ecclesiarum — dilapidatorem notorium, malumque spiritualium et temporalium Ecclesie administratorem et dispensatorem fuisse et esse, suis detestabilibus in honestisque vita et moribus Ecclesiam Dei et populum Christianum notorie scandalizantem ; — postque innotiones debitas et charitativas, iteratis et crebris vicibus eidem factas, in præmissis malis pertinaciter perseverasse, seque ex hoc notorie incorrigibilem reddidisse : ipsumque — tanquam indignum, inutilem, et dannosum a Papatu — amovendum, privandum et dependum fore. Et eum dicta sancta Synodus amovet, privat et deponit, universos et singulos Christicolas, enjuscunque status, dignitatis, vel conditionis existant, ab ejus obedientia, fidelitate et juramento absolutos declarando. — Eumque ad standum et morandum in aliquo loco bono et honesto sub custodia tuta Serenissimi Principis Domini Sigismundi, Romanorum et Hungariae Regis, nomine dicti sacri Concilii generalis, quamdiu dicto sacro generali Concilio pro bono unionis Ecclesiae Dei videbitur, condemnandum fore, et eadem sententia condemnat. Alias vero poenas, quæ pro dictis criminibus et excessibus inferri deberent juxta canonicas sanctiones, dictum Concilium arbitrio suo reservat declarandas et infligendas secundum quod rigor justitiae vel misericordiae ratio suadebit.

¹⁰ Sess. gen. XIV. v. d. Hardt IV. p. 346 seq. The council appointed him cardinal legate of the mark of Ancona (l. c. p. 474). cf. *Theodorici de Niem liber III. de fatis Constantiensibus reliquorum duorum Pontificum Gregorii XII. et Petri de Luna, aliisque negotiis in Concilio, remoto Balthasare, incidentibus in v. d. Hardt II. p. 409 seq.*

¹¹ *Theod. de Niem*, l. c. The negotiations of emperor Sigismund with Benedict, in a visit to Spain, which he undertook for the purpose in Sept. 1415, see in *v. d. Hardt II. p. 484 seq.* The acts of the council on the subject are scattered in *v. d. Hardt IV.* The sentence of deposition, Sess. XXXVII. the 26 Jul. in *v. d. Hardt IV. p. 1373*, calls him perjurum, universalis Ecclesiae scandalizatorem, fautorem et nutritorem inveterati schismatis. — et hæreticum a fide devium, et articuli fidei *Unam sanctam catholicam Ecclesiam* violatorem pertinacem, cum scandalo Ecclesiae Dei incorrigibilem, notorium et manifestum. According to *Jo. Niderus* (a Dominican in Basel and Wien † 1438) de visionibus ac revelationibus (or *formicarius*) ed. *v. d. Hardt Helmstadii*, 1692. Svo. lib. III. c. 1, it had been prophesied to Benedict by a certain abbot, quod plura passurus esset ab adversariis, quod obsideri deberet, — sed tandem Romam iturus esset, et in unione Ecclesiae ibidem, adepta pacifica possessione et sedato schismate, quieturus. — In predictam prophetiam fatue confidens reinotus a Papatu obediens renuit, in munitiunculam fugit, et tandem in exilio, pertinax in sua opinione, vitam nec Romæ, nec in pace, sed in miseria finivit.

¹² Benedict XIII. † 1424. He left behind four cardinals, three of whom chose a Clement VIII. as his successor, and the fourth a Benedict XIV. The former was obliged to abdicate at the Council of Tortosa.

¹³ Of the necessity of which, see *Petri de Alliaco canones reformati Ecclesiam in Conc. Constantiensi*, presented to the council 1 Nov. 1416 (in *v. d. Hardt I. VIII. p. 409*), in *Prafat.* Quæ Ecclesiae reformatio quam necessaria olim fuerit, et amplius modo sit, evidenter ostendit deflenda ipsius deformatio. — De qua lamentabiliter conquerebatur b. *Bernhardus serm. XXXIII. super Cant.* (compare § 65, note 10). — Si haec a. b. Bernhardo dicta sunt, nunc multo magis dici possunt. Quia ex eo Ecclesia de malis ad pejora processit, et in omni tam spirituali quam

effect before the choice of a Pope. This, however, was so earnestly opposed by the cardinals and the other nations,¹⁴ that nothing more was done than to pass certain resolutions of reform,¹⁵ and recommend

sæculari statu abjecto decore virtutum in variam cecidit turpitudinem vitiorum.— Hoc autem Deus misericordissimus, qui solus ex malis bona novit elicere, ideo permittere credendus est, ut eorum occasione Ecclesia sua in melius reformatur. *Quod nisi celeriter fiat, audeo dicere, quod, licet magna sint quæ videmus, tamen brevi incomparabiliter majora videbimus, et post ista tonitrua tam horrenda, alia horribiliora in proximo audiemus.* Eapropter summopere vigilandum est circa reformationem Ecclesiae. In order to provide for such a reformation, Sess. XIII. on the 15th of June, 1415 (v. d. Hardt IV. p. 335), a Reformatorium consisting of 4 cardinals and deputies from each nation was appointed, the protocols of which have been published in v. d. Hardt I. X. p. 583 seq.

¹⁴ v. d. Hardt IV. p. 1394 seq.

¹⁵ At the Sessio gen. XXXIX. on the 9th of Oct. 1417, in v. d. Hardt IV. p. 1435: I. *De Conciliis generalibus:* Frequens generalium conciliorum celebratio agri Dominici præcipua cultura est, quæ vespes, spinas et tribulos hæresium, errorum et schismatum extirpat, excessus corrigit, deformata reformat, et viam Domini ad frugem uberrimæ fertilitatis adducit: illorum vero neglectus premissa disseminat atque fovet.— Propter hoc edicto perpetuo sanciunus,— ut amodo concilia generalia celebrentur, ita quod primum a fine hujus Concilii in quinquennium immediate sequens, secundum vero a fine illius immediate sequentis Concilii in septennium, et deinceps de decennio in decennium perpetuo celebrentur in locis, quæ summus Pontifex per mensem ante finem ejuslibet Concilii, approbante et consentiente Concilio, vel in ejus defectu ipsum Concilium deputare et assignare teneatur; ut sic per quandam continuationem semper aut Concilium vigeat, aut per termini pendentiam exspectetur.— II. *Provisio adversus futura schismata præcavenda:* Si vero, quod absit, in futurum schisma oriri contingeret,— ipso jure terminus Concilii tunc forte ultra annum pendens ad annum proximum brevius, — Et quilibet ipsorum se pro Romano Pontifice gerentium infra mensem, a die qua scientiam habere potuit, alium vel alias assumisse Papatus insignia,— teneatur sub intimatione maledictionis aternæ et amissione juris, si quod forte sibi quæsumum esset in Papatu,— Concilium ipsum ad terminum anni predictum in loco prius deputato celebrandum indicere et publicare, et per suas literas competitoribus— et cæteris Prælatis ac Principibus— intimare, necnon termino præfixo— ad locum Concilii personaliter se transferre, nec inde discedere, donec per Concilium causa schismatis plenarie sit finita. Hoc adjuncto quod nullus ipsorum contendendum de Papatu in ipso Concilio ut Papa præsideat: quinimo— sint ipi omnes de Papatu contendentes, postquam dictum Concilium inceptum fuerit, auctoritate hujus sacræ synodi ipso jure ab omni administratione suspensi. — Quod si forte electionem Romani Pontificis per metum, qui caderet in constantem, seu impressionem de cetero fieri contingat, ipsam nullius decernimus efficaciam vel momenti, nec posse per sequentem consensum, etiam metu prædicto cessante, ratificari vel approbari. Non tamen licet Cardinalibus ad aliam electionem procedere, nisi ille, qui fuit electus, forte renunciet, vel decadat, donec per generale Concilium de electione illa fuerit judicatum. Et si procedant, nulla sit electio.— Sed— teneantur electores omnes— quam cito sine periculo personarum poterunt— se transferre ad locum tutum, et metum prædictum allegare coram Notariis publicis, et notabilibus personis ac multitudine populi in loco insigni. — Teneantur insuper— provocare sic electum ad Concilium.— III. *De professione facienda per Papam.* IV. *Ne prælati transferantur inviti.* V. *De spoliis et procurationibus.* Cum per Papam facta reservatio et exactio et perceptio procurationum Ordinariis et aliis inferioribus Prælatis debitaram ratione visitationis, necnon et spoliorum decedentium Prælatorum, aliorumque clericorum, gravia Ecclesiis, Monasteriis, et aliis beneficiis ecclesiasticisque personis afferant detrimenta: præsenti declaramas edicto, rationi fore consentaneum, ac reipublicæ accommodum, tales per Papam reservationes ac— exactiones seu perceptiones de cetero nullo modo fieri seu attentari. Quinimo procurationes hujusmodi, et quorumcunque Prælatorum— in Curia Romana vel extra— decedentium spolia, seu bona eorum mortis tempore reperta, plane et libere pertineant illis,

the subject generally to the future Pope;¹⁶ after which Otta de Colonna was chosen on the 11th of Nov. 1417, under the name of Martin V. The result justified the fears of the Germans. The glory of the council paled before that of the new Pope, the first for a long time, who had been universally acknowledged, and the papal power overstepped at once the barriers which the aristocracy of the church supposed itself to have erected. The *Regulae Cancellariae*, which Martin V. issued shortly after his coronation, differed but little from those of former popes, against which there had been such murmurs.¹⁷ The propositions of reform which they contained were altogether unsatisfactory.¹⁸ But the power of the council was already so far broken that the Pope was enabled to evade the most important

— quibus alias, prefatis reservationibus, mandatis et exactionibus cessantibus competenter ac pertinere deberent. Prælatis etiam inferioribus et aliis hujusmodi spoliorum exactiones præter et contra juris communis formam fieri interdicimus.

¹⁶ Sessio gen. XL. on the 30th of Oct. 1417 (*v. d. Hardt IV. p. 1452*) : Sacro-santa synodus Constantiensis statuit et decernit, quod futurus summus Pontifex per Dei gratiam de proximo assumendus, cum hoc sacro Concilio vel deputandis per singulas nationes debeat reformare Ecclesiam in capite et Curia Romana secundum aequitatem et bonum regimen Ecclesiæ, antequam hoc sacrum Concilium dissolvatur, super materiis articulorum, alias per nationes in Reformatoriis oblatorum, qui sequuntur. 1. Primo de numero, qualitate et natione Dominorum Cardinalium. 2. Item de reservationibus sedis Apostolicae. 3. Item de annatis, communibus servitiis, et minutis. 4. Item de collationibus beneficiorum, et gratis expectativis. 5. Item de causis in Romana Curia tractandis, vel non. 6. Item de appellationibus ad Romanam Curiam. 7. Item de officiis Cancellariae et Pœnitentiariæ. 8. Item de exemptionibus et incorporationibus tempore schismatis factis. 9. Item de commendis. 10. Item de confirmationibus electionum. 11. Item de fructibus medii temporis. 12. Item de non alienandis bonis Romane Ecclesiæ et aliarum Ecclesiarum. 13. Item propter quæ, et quomodo Papa possit corrigi vel deponi. 14. Item de extirpatione Simoniae. 15. Item de dispensationibus. 16. Item de provisione Papæ et Cardinalium. 17. Item de indulgentiis. 18. Item de decimis. Hoc adjecto, quod facta per nationes deputatione prædicta licet alii de Papæ licentia libere ad propria remeare.

¹⁷ *Martini P. V. Regulae Cancellariae*, die 12 Nov. 1417, a Johanne Ostiensi Cardinale conscriptæ et d. 26 Febr. 1418, publicatæ in *v. d. Hardt I. XXI. p. 965 seq.*

¹⁸ In the beginning of A. D. 1418, the German nation presented certain *Avisamenta Nationis Germanicæ* super articulis juxta decretum Conciliū reformandis, exhibenda Domino nostro sanctissimo (*v. d. Hardt I. XXII. p. 999 seq.*): which were followed towards the end of January by the *Responsio Dom. P. Martini* super reformatione capitulorum, in Concilio per decretum statutorum, per modum *Avisamenti* data Nationibus (l. c. p. 1021 seq.), the provisions of which fell far short of the demands. With reference to Art. XIII. the proposal of the Germans was (l. c. 1008) : Super decimo tertio articulo videtur, quod summus Pontifex non solum de heresi, sed etiam de simonia notoria tam circa sacramenta, quam circa beneficia ecclesiastica, et quolibet alio notorio crimen gravi, Ecclesiam universalem notorie scandalizante, de quo canonice monitus incorrigibilis extiterit, per generale Concilium puniri valeat, ac deponi etiam de Papatu. Item videtur, quod sanctissimus Dominus noster sacro approbante Concilio specialem constitutionem super hoc, quod præmittitur, declaratoriam debeat promulgare, et insuper declarare, quod nedum circa sacramenta, sed etiam circa beneficia ecclesiastica conventionem seu pactiōnē pecuniariam per se vel alium faciendo crimen pravitatis Simoniacæ non evadat (cf. § 100, note 29). The papal *Responsio* (l. c. p. 1032) : Artic. XIII. Propter quæ et quomodo Papa possit corrigi et deponi. Non videtur, prout nec visum fuit in pluribus nationibus, circa hoc aliquid novum statui vel decerni.

points by means of Concordats with the separate nations;¹⁹ and

¹⁹ Germanicæ Nationis et Martini V. Papæ concordata published the 2 May, 1418 (v. d. Hardt I. p. 1055. E. M ünch's vollständige Sammlung aller ältern und neuern Konkordate, Th. 1. S. 20 ff.) Cap. 1. *De numero et qualitate Cardinalium, et eorum creatione.* Statuimus, ut deinceps numerus Cardinalium S. Romanæ Ecclesiæ adeo sit moderatus, quod non sit gravis Ecclesiæ. Qui de omnibus partibus Christianitatis proportionaliter, quantum fieri poterit, assumantur, ut notitia causarum et negotiorum in Ecclesia emergentium facilius haberi possit, et æqualitas regionum in honoribus ecclesiasticis observetur; sic tamen, quod numerum XXIV. non excedant, nisi pro honore nationum, quæ Cardinalem non habent, unus vel duo pro semel de consilio et assensu Cardinalium assumuntur. Sint autem viri in scientia, moribus et rerum experientia excellentes, Doctores in theologia, aut in jure canonico vel civili, præter admodum paucos, qui de stirpe regia vel ducali, aut magni Principis oriundi existant, in quibus competens literatura sufficiat: non fratres, aut nepotes ex fratre vel sorore, alicujus Cardinalis viventis: nec de uno Ordine Mendicantium ultra unum: non corpore vitiati, nec alicujus criminis vel infamiae nota respersi. Nec fiat eorum electio per ariicularia vota solummodo, sed etiam cum consilio Cardinalium collegialiter, sicut in promotione Episcoporum fieri consuevit. Qui modus etiam observetur, quando aliquis ex Cardinalibus in Episcopum assumetur. Cap. 2. *De provisione Ecclesiarum, Monasteriorum, etc.* Sanctissimus Dominus noster Papa, Martinus V., super provisionibus Ecclesiarum, Monasteriorum et beneficiorum quorumcunque utetur reservationibus juris scripti, et constitutionis Execrabilis et Ad regimen (see § 100, notes 10 and 16) modifieatae. According to this the Pope reserves to himself the appointment to all benefices vacant *in curia*, and so to all such as were filled by those belonging to the papal court, the occupants of which had been deposed or transferred by the Pope, and to which appointments had been made but negatived by him. So too, the Pope claimed the right of providing, when an election should be too long delayed. The majores dignitates in the chapters were to be filled by the chapters themselves, the other places alternately by the Pope and those to whom the appointment otherwise belonged. The sixth part of the canons shall be graduates, and all pastors of churches of more than 2000 communicants. Cap. 3. *De Annatis.* De Ecclesiis et Monasteriis virorum duntaxat vacantibus et vacaturis solventur pro fructibus primi anni a die vacationis summa pecuniarum in libris Camera Apostolicæ taxatae, quæ communia servitia nuncupantur. Si quæ vero excessive taxatae sunt, juste retaxentur. — Taxæ autem predictæ pro media parte infra annum a die habitæ possessionis pacificæ totius vel majoris partis solventur, et pro media parte alia infra sequentem annum. Et si infra annum bis vel pluries vacaverit, semel tantum solvetur. — De ceteris autem dignitatibus — quibuscumque, quæ auctoritate sedis Apostolicæ conferentur, — solvata annata seu mediæ fructus juxta taxam solitam tempore inmissionis infra annum. Et debitum hujusmodi in successorem in beneficio non transeat. De beneficiis vero, quæ valorem XXIV. florenorum de camera non excedunt, nihil solvatur. Cap. 4. *De causis tractandis in Romana Curia necne.* — Nullæ cause in Romana Curia committantur, nisi quæ de jure et natura cause in Romana Curia tractari debebunt. — Cæteræ committantur in partibus. Nisi forte pro causæ et personarum qualitate, in commissione exprimenda, illas tractare in Curia expediret pro justitia consequenda, vel de partium consensu in curia tractentur. Cap. 5. *De commendis.* Ordinat Dominus noster Papa, quod in posterum Monasteria aut magni Prioratus conventuales habentes ultra decem religiosos, et officia claustralria, dignitates majores post pontificales in cathedralibus, sive Ecclesiæ parochiales, nulli Praelato, etiam Cardinali, dentur in commendam. — Una etiam Ecclesia metropolitana uni Cardinali vel Patriarchæ concedi poterit, provisionem aliam sufficientiorem non habenti. Cap. 6. *De Simonia in foro conscientiæ providetur.* Every ecclesiastic must choose a suitable confessor, by whom he must be absolved within three months of simonia active vel passive commissa, and so relieved from the consequences which otherwise would come. Cap. 7. *De non vitandis excommunicatis, antequam per judicem fuerint declarati et denunciati.* Cap. 8. *De dispensationibus.* Ordinat etiam Dominus noster, ad Ecclesiæ cathedralibus, Monasteria, Prioratus conventuales, et parochiales Ecclesiæ super defectum ætatis ultra triennium nullatenus dispensare: nisi forte in Ecclesiæ cathedralibus ex ardua et evidenti

a few very insignificant general measures²⁰ sufficed to secure from it an acknowledgment of the fulfilment of his promise.²¹ During these negotiations, however, the Pope had not only granted

causa, de consilio Cardinalium — videretur aliter dispensandum. Item Dominus noster in arduis et gravibus casibus sine consilio Cardinalium non intendit dispensare. Cap. 9. *De provisione Papæ et Cardinalium.* Romano Pontifici et s. Romana Ecclesia Cardinalibus pro illorum sustentatione, rebus Romana Ecclesia stantibus ut sunt, non videtur aliter posse provideri, quam huicunque factum est, scilicet per beneficia et communia servitia, quæ vacantiæ nuncupantur. The provisions of cap. 5. are then repeated. Cardinalis de proventibus ecclesiasticis non habeat ultra valorem sex millium florenorum. Cap. 10. *De indulgentiis.* Cavebit Dominus noster Papa in futurum nimiana indulgentiarum effusionem, ne vilescent. Et in præteriti concessas ab obitu Gregorii XI. ad iustar alterius indulgentia revocat et annullat. Cap. 11. *De horum Concordatorum valore.* Item sanctissimus Dominus noster Papa et inclita natio Germanorum consenserunt et protestati sunt, quod omnia et singula supradicta durare et tolerari debeat usque ad quinquennium duntaxat a data præsentium numerandum — quodque per observantiam illorum nullum jus novum Romano Pontifici, aut alicui alteri Ecclesiæ vel personæ acquiratur seu præjudicium generetur, sed lapso dicto quinquennio quælibet Ecclesia et persona prædicta liberam facultatem habeat utendi quælibet jure suo. The Concordat with the French (see *v. d. Hardt IV.* p. 1566 seq.), (subject, however, to the approval of the king), was likewise published on the 2d of May, 1418, and for the most part corresponds exactly with that of the Germans; only that the Pope remitted in this case one half the Annates for the next five years: On the other hand: Circa articulum indulgentiarum habita deliberatione matura nihil intendimus circa eas immutare seu ordinare. The Concordat with the English, concluded on the 12th of July, see in *v. d. Hardt I.* p. 1079 seq.

²⁰ Sess. gen. XLIII. on the 21st of March, 1418, the following decrees were published (*v. d. Hardt IV.* p. 1535): 1. *De Exemptionibus* (beginning Attendentes). 2. *De unionibus et incorporationibus*, by which all the exemptions, unions, and incorporations made since the death of Gregory XI. were, with a few exceptions, recalled. 3 *De fructibus medii temporis.* Item fructus et proventus Ecclesiarum, Monasteriorum et Beneficiorum, vacationis tempore obvenientes, juris et consuetudinis vel privilegii dispositioni relinquimus, illosque nobis vel Apostolicæ Cameræ prohibemus applicari. 4. *De Simoniacis:* — Ordinati simoniace ab executione suorum Ordinum sint eo ipso suspensi: — quævis provisiones simoniacæ — nullæ sint ipso jure: — dantes et recipientes eo ipso facto sententiani excommunicationis incurvant. 5. *De dispensationibus.* Repeal of the dispensations which had been granted to those appointed to ecclesiastical offices quibus certus Ordo debitus est. 6. *De decimis et aliis oneribus.* Præcipinus et mandamus, jura, quæ prohibit inferioribus a Papa decimas et alia onera Ecclesiæ et personis ecclesiasticis imponi, districtius observari. Per nos autem nullatenus imponentur generaliter super totum Clerum, nisi ex magna et ardua causa et utilitate universalem Ecclesiam concernente, et de consilio, et consensu et subscriptione fratrum nostrorum S. R. E. Cardinalium, et Prælatorum, quorum consilium cominode haberi poterit: nec specialiter in aliquo regno vel provincia inconsultis Prælatis illius regni vel provinciae et ipsis non consentientibus, vel eorum majori parte, et eo casu per personas ecclesiasticas et auctoritate apostolica duntaxat leventur. 7. *De vita et honestate Clericorum,* against the transgressions of the clergy in costume.

²¹ The last papal decree in this same 43d session, was (*I. c. p. 1540*): Decernimus et declaramus sacro approbante Concilio, per decreta, statuta et ordinata, tam lecta in præsenti sessione, quam concordata cum singulis nationibus ejusdem Concilii, — huic sacro Concilio super articulis contentis in decreto super fienda reformatione, die sabbati XXX. mensis Oct. proxime præteriti promulgato (see note 16) fuisse et esse jam satisfactum. To this the cardinal, bishop of Ostia, replied: De mandato nationum respondeo, quod placent nationibus decreta recitata, et cuiilibet nationi placet Concordia cum ipsa per Dominum nostrum facta. Et per præmissa fatentur decreto etiam jam esse satisfactum, non intendentes propterea, quod concordata cum una natione in aliquo alteri nationi afferant præjudicium.

to the emperor Sigismund a power of exacting tenths,²² notwithstanding the great complaint that had been made of this very kind of oppression, but had even ventured, in the face of an express resolution of the council, to forbid any appeal from the Pope to a general council; such an appeal having been brought in by the Poles in the case of John de Falckenberg.²³ The character of the council being thus changed, its breaking up, which took place on the 22d of April, 1418,²⁴

²² The Literæ gratiosæ of the Pope to the emperor, dd. 7. Cal. Febr. 1418, in v. d. Hardt II. p. 589 seq. Dum præclara devotionis et fidei Tuae Serenitatis merita, quibus erga Deum et universalem Ecclesiam sanctam suam gloriosissime, præsertim circa unionem ejusdem Ecclesiæ — per multa jam tempora curis vigilibus et continuis — mirifice claristi, — pensamus; — inducimur non indigne, ut in revelationem onerum et expensarum, quæ pro consecutione unionis hujusmodi, nonnulla regna partesque terrarum orbis varias peragundo, Tua Serenitas subiit hactenus, nec subire desinit incessanter, Tua Celsitudo nostram et apostolicæ sedis gratiam sibi mirificam sentiat ac super alicujus subventorio auxilio liberalem. Hinc est, quod Nos — una cum ven. fratribus nostris S. R. E. Cardinalibus super his deliberatione præhabita, ac de ipsorum consilio, nec non ven. fratrum nostrorum Archiepiscoporum, Episcoporum, et dilectorum filiorum Electorum, Administratorum, neconon Abbatum et aliorum de natione Germanica percepto beneplacito voluntatis, ac etiam prædecessorum nostrorum, Romanorum Pontificum, — circa hoc vestigijs inhærentes, Decinam integrum unius anni omnium reddituum et præuentum ecclesiasticorum in provinciis — nationis Germanicæ, totius provinciæ Treverensis, neconon Basileensis et Leodiensis civitatum et diœcesium sub Romano Imperio consistentium, — Serenitati Tuæ — assignamus. At the same time he appointed three bishops to collect these tenths (l. c. p. 592 seq.). This was complained of by seven German churches, through the Florentine jurist, Dominicus de Germiniano, who begins with proving it in the Repudium decimarum (l. c. p. 608), quia hæc impositio decimæ concessa est non consentientibus Prælati nationis Almaniae, vel saltem majori parte ipsorum, imo inconsultis procuratoribus Cleri dictarum septem Ecclesiarum in Concilio Constantiensi existentibus. Quod tamen fieri non potuit juxta constitutionem Domini nostri Papæ (see note 20. 6). — Item ad ejus levationem invocatur auxilium brachii sæculariis. Et sic contra dictam constitutionem, etc. He proposed nothing more, however, than a milder mode of collection.

²³ Compare § 115, note 11. *Jo. Gersonii tract. quomodo et an liceat in causis fidei a summo Pontifice appellare* (Opp. II. II. p. 303 seq.): Quæritur utrum hæc assertio sit catholica: — *Nulli fas est a supremo iudice, videlicet Apostolica Sede, seu Romano Pontifice, Jesu Christi Vicario in terris, appellare, aut illius iudicium in causis fidei, que tanquam majores ad ipsum et Sedem Apostolicam deferendæ sunt, declinare?* Arguitur, quod sic, auctoritate sanctissimi Domini Martini Papa V. in sua Constitutione ad perpetuam rei memoriam facta, et promulgata in Consistorio generali celebrato Constantiæ 6. Idus Martii Pontificatus sui anno primo (10 March, 1418), ubi reperitur hæc assertio, sicut dicitur. In the *Dialogus Apologeticus pro condemnatione propositionum Jo. Parvi* (l. c. p. 390) Gerson designates this bull as destruens fundamentale penitus robur, nedum Pisani, sed Constantiensis Concilii, et corum omnium, quæ in eis, præsertim super electione Summi Pontificis, et intrusorum ejectione, attentata factave sunt.

²⁴ Sess. XLIV. the 19th of April, 1418, the Pope issued the decree (v. d. Hardt IV. p. 1546): Cupientes et etiam volentes decreto hujus sacri generalis Concilii satisfacere, inter alia disponenti, quod omnimode generalia Concilia celebrentur in loco, quem summus Pontifex per mensem ante finem hujus Concilii, approbante et consentiente Concilio, deputare et assignare teneatur (see note 15); pro loco dicti proxime futuri Concilii, celebrandi a fine præsentis Concilii supradicti [in quinquennium], eodem consentiente et approbante Concilio civitatem *Papiensem* tenore præsentium deputanus. The bull of dismission, which followed Sess. XLV. and omnibus et singulis, qui in hoc sacro Concilio et causa ipsius interfuerunt, absolutionem plenariam omnium peccatorum, semel in vita et in mortis articulo, see l. c. p. 1559. The Pope had already approved of the decrees of the council

could not be much regretted ; little as it had answered the expectations formed concerning it.²⁵

The only opposition to the power of the new Pope seemed now to be on the part of France, which nation had refused the Concordat offered to it at the Council of Constance ;²⁶ but it was not long (A. D.

in the bull condemning Wycliffe and Huss, *Inter cunctas dd. 22 Febr. 1418*, in the questions which he directed to be proposed to those accused of heresy (l. c. p. 1527) : Item utrum credit, teneat et assent, quod quodlibet Concilium generale, et etiam Constantiense, universalem Ecclesiam representet. Item utrum crebet, quod illud, quod sacrum Concilium Constantiense, universalem Ecclesiam representans, approbavit et approbat in favorem fidei et salutem animarum, quod hoc est ab universis Christifidelibus approbadum et tenendum : et quod condemnavit et condemnat esse fideli vel bonis moribus contrarium, hoc ab eisdem esse tenendum pro condemnato. And at the last sitting he says in his answer to the Polish ambassadors : quod omnia et singula determinata et conclusa et decreta in materiis fidei per præsens sacrum Concilium Constantiense conciliariter, tenere et inviolabiliter observare volebat et nunquam contravenire quoquomodo.

²⁵ See the remarkable passage concerning the Council of Constance with which Gobelinus Persona, decanus in Bielefeld (see before *Div. IV*), closes his *Cosmodromium*, in *Meibomii Rerum Germ. T. I.* p. 345 : Postquam dominus Martinus Papa predictus fuit coronatus, per nationes Concilii petebatur fieri reformatio Ecclesiæ tam in capite quam in membris, prout in Reformatorio per ad hoc electos conceptum fuerat. Sed quia non omnes aequo ardenter instabant, Cardinalibus etiam in hoc torpentibus, parum profecerunt. Unde natio Gallicana Regem (Sigismundum) adiit, petens ab eo, ut Papam ad Ecclesiam dignaretur informare. Qui respondit eis : dum nos, ut reformatio fieret, priusquam ad electionem summi Pontificis procederetur, instabamus, vos noientes acquiescere, Papam, priusquam fieret reformatio Ecclesiæ, habere voluistis. Et ecce Papam habetis, quem et nos habemus : illum pro expeditione hujusmodi reformatonis adite, quoniam pro nunc nostri non interest, prout intererat sede Romana vacante. Sunt tamen quædam reformata, quævis respectu conceporum pauca, verbis quidem et scriptis, quæ propter humanam mentis mutabilitatem, divinitatis excusantem se sub umbra, hic inscrere non præsumo. Ego quidem iam annis multis statim pertractans Ecclesiæ, per quem modum ad universalis Ecclesie reformatiōnem scandalis sublati omnibus perveniri posset, curiosa mente revolvī. Quem quidem modum Dominus fortasse ostendet, cum in spiritu vellementi conferet naves Tharsis.

²⁶ The French had protested against the Annates in 1417, at the council, see *Apostoli et responsio dati per ven. Nationem Gallicanam, etc.*, in the *Preuves des Libertez de L'église Gallicane Chap. XXII.* no. 13 (with a different title in *v. d. Hardt I. XIII.* p. 761). Although half the Annates were remitted (see note 19), the king published an order in April, 1418 (*Bulæ hist. Univ. Paris. V.* p. 328. *Preuves des Pegl. Gall. Chap. XXII.* no. 16), quod Ecclesiæ nostrorum Regni ac Delphinatus — secundum antiqua jura Conciliaque generalia de personis idoneis providebitur. — Et insuper quoad exactiones pecuniarum, quas ab aliquibus retroactis temporibus Curia Romana seu Camera Apostolica sub pretextu vacantium beneficiorum Regni et Delphinatus predictorum, aut alias quovis modo seu colore præmissorum sibi applicari voluit, penitus cessabunt. Intendimus tamen tanquam Christifideles summo Pontifici et Ecclesiæ Romanae aequo plusve ceteris in necessitatibus, sive et cum tempus exegerit, succurrere et rationabiliter subvenire; and in May the prohibition (l. cc.), ne aliquis deinceps absque nostra licentia ausu temerario aurum vel argentum, joecalia (*joyaux.*, jewels), aut alia quævis pretiosa per literas, bulletas (certificates), obligationes aut alias quovis modo, occasione procurationum, annatarum, vacantium, dispositionis antedictorum beneficiorum — extra Regnum transferat. The duke of Burgundy prevailed on the king in 1419, to recall this order, but the recall was not accepted by the States General (*Bulæus V.* p. 335), and in Febr. 1422 (1423) those orders were confirmed (*Preuves, Chap. XXII.* no. 17).

1425) before this nation too, under the young king Charles VII. began to yield to the papal yoke,²⁷ and the Councils of Pavia and Siena, which were held in 1423 and 1424, according to a resolution passed at the Council of Constance, having proved wholly insignificant, the Pope returned again to the old courses, with little or no regard to the occasional opposition made to his measures.²⁸ Martin found it necessary, however, to restrain the cardinals, in order to maintain his own freedom,²⁹ and this called forth again the old com-

²⁷ See the royal edict of dd. 10 Febr. 1424 (1425) (*Preuves*, l. c. no. 19), ut omnia quæcunque mandata in debita forma, et rescripta Apostolica a die exhibitionis præsentium fuerunt eidem summo Pontifici concessa, bullæque et processus inde securi locum executionis habeant in Regno ac Delphinatu nostris, ac eisdem debite per eos ad quos spectat pareatur,— tam in beneficiorum collatione, quam jurisdictionis Apostolicae potestatis exercitio, modo et forma, quibus felicis recordationis Clementis VII. et Benedicti XIII. temporibus in Regno nostro eisdem summis Pontificibus, eorumque bullis, processibus, et literis parebatur atque obediebatur, non obstantibus ordinationibus regiis, arrestis Parlamenti nostri— et aliis quibuscumque mandatis et usibus in contrarium prædictorum.— Rogantes tamen sancti Patris nostri Clementiam, quod— electiones,— et quævis aliae dispositiones factæ in vim ordinationum et arrestorum prædictorum usque in diem exhibitionis præsentium locum habeant, et— confirmentur, defectus si qui sunt privata largitate supplendo. As the king, when dauphin, had sworn to observe the former laws (see preceding note), the Pope absolved him from that oath: see the Breve dd. Kal. Maji 1425, in *Raynaldus* ad h. a. no. 8.

²⁸ Thus Martin reproaches Henricus Episc. Wintoniensis (*Raynald*, 1426, no. 19) bitterly, on account of an execrable statutum, per quod ita Rex Angliae de Ecclesiarium provisione et administratione disponit, quasi vicarium suum Christus eum instituisse; legem condit super Ecclesiæ, Beneficia, Clericos et ecclesiasticum statum; ad se suamque laicalem curiam causas spirituales et ecclesiasticas jubet introduci.— Quasdam contra clericos adjecit penas, quæ ne quidem contra Judæos vel Saracenos per ullum de suis statutis promulgatae inveniuntur. Posunt ad Angliæ regnum cuiuslibet generis homines libere profici: soli acceptantes beneficia auctoritate summi Pontificis, vicarii Jesu Christi, jubentur exulare, capi, carcerari; omnibusque bonis exui; executoresque literarum Apostolicarum, procuratores, notarii, et quicunque alii censuram seu processum ab apostolica sede in regnum mittentes aut deferentes ultimo supplicio deputantur, projectique extra protectionem Regis ab omnibus captivandi. The bishop is reminded of the example illius gloriissimi martyris b. Thomæ, qui adversus similia decertans statuta holocaustum se Deo offerebat pro libertate ecclesiastica occubuit, and called upon to exert himself to the utmost to effect the repeal of that law. Comp. the Pope's letter of admonition to the parliament (*Raynald*, 1427, no. 15), and to Henry, archbishop of Canterbury (l. c. no. 16), which last is called to account, quod audi-
vimus te dixisse irreverenter et improbe, propter pecunias exhaustandas abolitionem illius statuti apostolicam sedem ipsam querere. Similar royal orders were issued in Poland, see *Martini* ep. ad Wladislaum Regem Poloniae dd. Kal. Apr. ann. VIII. i. e. 1425, or XIII. (1429) (according to *Raynald*, ann. 1427, no. 17): Refertur nobis quasi omnia in aliam dispositionem mutata esse; in eodem regno conculari jura Ecclesiæ, et ecclesiasticam opprimi libertatem; non multum timeri censuras nostras, et hujus sedis auctoritatem; electiones Ecclesiæ et Monasteriorum, quorum tamen omnimoda dispositio ad nos spectat non esse liberas, sed fieri ad præscriptum tuum; beneficiorum per nos collatorum provisiones contemni, tum in beneficiis generaliter reservatis, atque in ea re non pareri mandatis nostris. In another letter to the same dd. 7 Kal. Sept. ann. XIII. (*Raynald*, ann. 1429, no. 13) the Pope complains of certain royal letters per quas tua Serenitas Prælatis et Canonicis Ecclesiæ Gneznensis mandat sub gravi poena, ne aliquem extraneum in dicta Ecclesia recipient ad possessionem alicujus beneficii, cum inter Prælatos Regni ita statutum sit et conclusum.

²⁹ Though we find amongst the directions to the cardinals (*Raynaldus*, ann. 1424, no. 4): Pro Ordinum religionum quorumcunque aut personarum particula-

plaints of extortion and oppression, as well as of corruption; ³⁰ till only the Romans, who, after a long interval, now shared once more the plunder of the papal court, were with the new order of things contented.³¹ From councils it seemed vain to look for farther help,³² and the Pope had therefore no hesitation in summoning a new œcumical council, which, according to the decrees of the Council of Siena,³³ was to be held in 1431 at Basil.³⁴

§ 131.

COUNCIL OF BASIL (1431 to 1443), EUGENE IV. (3 March, 1431,
† 23 Feb. 1447).

The Acts of the Council are most complete in *Mansi Sacrorum Conciliorum nova et amplissima collectio* T. XXIX. p. 1.—T. XXXI. p. 290.¹ *Augustini Patricii*, Canonicus at Siena, *Summa Conciliorum Basileensis, Florentini, Lateranensis, Lausanensis, etc.* A. D. 1480, taken from two MSS. of John of Segovia in the library at Basil (in *Harduin. IX.* p. 1081 seq., and in *Hartzheim Concil. Germ. V.* p. 774 seq.).

Whilst the long suppressed dissatisfaction of the cardinals at the

rium protectione nihil pecuniae percipient, etiam a sponte offerentibus. Nullas supplicationes ipsi Sanctissimo præsentent, nisi pro pauperibus, vel pro persona sua, seu servitorum, consanguineorum, vel affinium, aut familiarum suorum. — The ambassador of the Teutonic order writes to his Grand-master A. D. 1429 (see Räumer's hist. Taschenbuch for 1833, S. 73): "They (the cardinals) do not venture to say any thing to the Pope which they know will displease him; and are so oppressed by him that they grow pale and red in his presence." Hence their enmity, ibid. p. 173.

³⁰ *Antonini Summa hist. Tit. XXII. Cap. 7, § 3:* Hic igitur Pontifex Martinus, antea nequaquam vir sagax aestimatus sed benignus, in pontificatu tamen ita opinionem de se prius habitam redarguit, ut sagacitas quidem in eo summa, benignitas vero non superflua nec nimia reperiatur (copied from *Leonardus Aretus in Muratorius XIX.* p. 930). — Hoc in eo communis fama redarguit, nimis cupide insistere cumulationi pecuniae, ut nequaquam dicere valeret id priui Apostolici: *argentum et aurum non est mihi* (Act. iii. 6). Comp. Eberhard Windeck, a counsellor of Sigismund, in his life of the emperor, c. 55 (in *Mencken Scriptt. Rer. Germ. I.* p. 1117).

³¹ The favorable opinion of Platina (ed. 1645, p. 648 seq.) is Roman. According to p. 669, Martin V. was buried comitate populo Romano, comitate Clero non aliter flente, quam si Ecclesia Dei, si urbs Roma unico atque optimo parente orbata fuisset.

³² See *Gobelinus Persona*, note 25.

³³ *Mansi XXIX.* p. 6.

³⁴ See the power which he granted to Cardinal Julian, to preside at the council as papal legate, dd. Kal. Febr. 1431, in *Mansi XXIX.* p. 11.

¹ See a catalogue of the Acts, which are extant in Paris, in 7 vols. MSS. of Navarrici, and an enumeration of the Codices appertaining to this council, which are preserved in the library at Basil, in *J. D. Schœpflini Commentationes hist. et criticæ. Basil. 1741. 4to. p. 541 seq.* A more exact account of the Basil Codices in Ochs' Geschichte der Stadt u. Landschaft Basel, Bd. 3 (Basel. 1819. 8vo.), S. 573 ff. Though even *Bellarminus de Eccl. militante*, c. 16, concedes that the Council of Basil was legitimate and œcumical till the twentieth session or till its

arbitrary measures of Martin V.² was venting itself in the resolutions passed in the conclave held for the appointment of his successor,³ as well as in the course pursued by Eugenius IV. against the family

removal to Ferrara, the Romans persist in objecting to many of its decrees, and in the Roman catalogue of the councils, published A. D. 1609, this council is entirely left out (according to *Richerii hist. Concill. generall. lib. III.* in fine by advice of Bellarmin). Since that, *Lucas Holstenius* in a treatise included in *Phil. Labbei Concil. T. XIII. Append.* has denied its legitimacy; and this view is so prevalent in Rome that Clement XIV. counted it amongst the errors of Ulrich Mayer, that he allowed the Council of Basil to have been legitimate till the twenty-sixth session, see *Walch's neueste Religionsgesch. Th. 5, S. 245.* The moderate party in the French church allow the Council of Basil to the twenty-sixth session, e. g. *Natalis Alex. hist. eccl. sæc. XV. et XVI. diss. VIII.*; the more strict defend the whole council to its dispersion, e. g. *Richerius hist. concill. lib. III. cap. 7.*

² See § 130, note 29, above.

³ Comp. the bull dd. 12 Mart. 1431 (in *Raynald*, ad h. a. no. 5 seq.), by which Eugenius confirmed the Capitula which all the cardinals had sworn to observe in case of their elevation to the papal chair. In the introduction is plainly contained an indirect censure of the preceding administration. The Capitula are: quod (Papa) curiam Romanam in capite et membris reformabit, et incipiet quandocunque et quotiescumque requiretur per dominos Cardinales (Martin V. had been willing to reform only in membris, see § 130, note 29): — nec dictam curiam educet de urbe Romana, neque transferat de loco ad locum, de provincia ad provinciam, — sine consilio et consensu consimili (Cardinalium, as Martin V. had done, see *Rau m e r's hist. Taschenbuch* for 1833, S. 74, 159). Item quod Concilium generale celebrabit — in loco et tempore, de quibus fuerit sibi consultum per maiorem partem Domini Card., et in eo reformatum — universalem Ecclesiam circa fidem, vitam et mores. — Item quod non creabit Cardinales nisi juxta formam et ordinationem factam in Concilio Constantiensi, quam servare tenebitur, nisi de consensu et consilio majoris partis Domini Card. aliud fiendum videretur. Item ut Romano Pontifici a dominis Cardinalibus libera perveniant consilia: non apponet (pledge) — bona alicujus ex eis, nec aliquid in suo statu et provisione immutabit, — nisi de expresso consilio et consensu majoris partis Domini Card. nec damnabit eum nisi convictum numero testium espresso in constitutione Sylvvestri Papæ facta in Synodo generali, quæ incipit: *Præsul non damnetur.* Item quod bona Domini Card., Prælatorumque, nec aliorum Cortesanorum in Curia decedentium nullo modo occupabit, — sed permettit — fieri executiones juxta voluntatem decedentium. — Item quod feudatarios regnum, et alios vicarios, capitaneos, — omnesque officios urbis Romanae, et aliarum terrarum Ecclesiae Romanae obligabit sibi, et successoribus, ac cœtu Domini Card., — quod sede vacante ad mandatum Domini Card. civitates, terras — tradant et expediant libere et sine contradictione quacunque. Item quod Dominis Cardinalibus permettit libere recipere, et assignari faciet medietatem omnium et singulorum censum, jurium, — et emolumentorum quorumlibet Romanae Ecclesie juxta concessionem Nicolai IV. — Nec dabit aliquam ex terris Ecclesiae Romanae in vicariatum, feudum, vel emphyteosim sine consensu et consilio majoris partis Domini Card.; nec movebit guerram, nec confœderationes cum quoconque Rege, vel Principe temporali, aut Communitate faciet sine consilio et consensu consimili; nec imponet gabellas novas sive exactiones alias in urbe Romana, nec in aliis terris Ecclesiae Romanae; nec etiam concedet alicui Regi, Domino temporali, seu Communitatì præter vel contra libertatem ecclesiasticam exactiōnē super Clero vel Ecclesiis — sine causa rationabili, et tunc de simili eorundem Domini Card. consensu. Item nihil de juribus — Ecclesiae Romanae alienabit, nec alienata de juribus quibuscumque Ecclesiarum aliarum — vel Ordinum — confirmabit — sine eorundem Domini Card., consilio et consensu consimili. Item quod super omnibus, — in quibus consilium Domini Card. requiritur, promotionibus ad Prælaturas dumtaxat exceptis, in literis suis — scribi faciet nomina Cardinalium consilium et consensum præbentium, — sicut fieri solebat ante Bonifacium VIII., ut excludatur abusus, qui longo tempore servatus est. — In arduis vero requiritur subscriptio Papæ et Cardinalium.

and the memory of his predecessor,⁴ the Council of Basil assembled so slowly, that at first it seemed likely to be as insignificant as the last one, at Siena. But the Hussite disturbances, by which Germany also was threatened, led the council to take a more independent position, which was first seen in the opening of negotiations with the Hussites. Alarmed at this, the Pope wished to dismiss the council at once;⁵ but this was resisted even by the president, the cardinal-legate Julianus Cesarini,⁶ and the zeal for reformation, which had

⁴ Of the war against the two Colonna, undertaken by Eugenius to compel them to give up the possessions and treasures of the church which they had received from Martin V., in which object he succeeded September 1431, by the help of the Venetians and Florentines, see the two contemporaries, *Andreae Billii* (an Augustine Monk in Milan, † 1435) hist. *Mediolanensis*, lib. IX. in *Muratori Scriptt. Rer. It. XIX.* p. 143 seq., and the *Vita Eugenii IV.* in *Baluzii Miscell.* lib. VII. p. 506 seq. cf. *Raynald*, ann. 1431, no. 10 seq. How far Eugenius went in his hatred to his predecessor, see in *Andr. Billius*, p. 145: *Ipsum quoque Martini palatum (tantum processit ira) diruit: insignia familiæ, aut Pontificatus, ubique per urbem eminebant, dejecti.*

⁵ The letter of the Council to the Bohemians is dated October 15 (*Raynald*, 1431, no. 24). The Pope's letter to Cardinal Julianus, in which he commands him to dismiss the council and appoint another in a year and a half at Bologna, is dated November 12 (l. c. no. 21).

⁶ Julian's letter is given partly in *Raynald*, 1431, no. 22, in full in the *Fasciculus rer. expetend. et fugiend.* ed. Lond. p. 54 seq. The Cardinal, who had shortly before led an unsuccessful crusade against the Bohemians, first gives the motives which determined him, contrary to his inclination, to accept the office of presiding at the council. First on account of the state of affairs in Bohemia. Then: *Incitavit etiam me huc venire deformitas et dissolutio Cleri Alemaniae, ex qua laici supra modum irritant adversus statum ecclesiasticum.* Propter quod valde timeendum est, nisi se emendent, ne laici more Hussitarum in totum clerum irruant, ut publice dicunt. Et quidem hujusmodi deformatio magna audaciam præbet Bohemis, multumque colorat errores eorum, quia præcipue invehunt contra turpitudinem Cleri. Quia de re, etiam si hic non fuisset generale Concilium institutum, necessarium fuisset facere unum provinciale — pro Clero reformando: quia revera timendum est, nisi iste Clerus se corrigat, quod etiam extincta haeresi Bohemia suscitaretur alia. Then follow the grounds for refusing to dismiss the council. Quanta hic scandala sequantur, et quam prope sit eversio fidei auscultet patienter S. V. Primo vocati sunt Bohemi ad istud Concilium: literas vocationis alias misi S. V. Hoc factum quilibet probat, tanquam salubre et necessarium, ut postquam armis totiens frustra certatum est, alia via tentetur. — Si Concilium dissolvitur, quid dicent haeretici? Nonne insultabunt in nostros, et fient protroviiores? Nonne Ecclesia fatebitur se esse victimam, cum non ausa fuerit expectare illos, quos vocaverat? — Ecce exercitus armatorum totiens fugit a facie eorum, et nunc similiter Ecclesia universalis fugit. Ecce nec armis, nec literis vinci possunt. Videbitur miraculum Dei evidenter, demonstrans, illos vera sentire, et non falsa. — Quarto, quid dicet universus orbis, cum hoc sentiet? Nonne judicabit, clerum esse incorrigibilem, et velle semper in suis deformitatibus sordescere? Celebrata tot sunt diebus nostris Concilia, ex quibus nulla sequuta est reformatio. Expectabant gentes, ut ex hoc sequeretur aliquis fructus. Sed si sic dissolvatur, dicetur, quod nos irridemus Deum et homines. Et cum jam nulla spes supererit de nostra correctione, irruent merito laici in nos more Hussitarum: et certe faina publica de hoc est. Animi hominum prægnantes sunt, jam incipiunt evomere venenum, quo nos perimunt: putabunt se sacrificium præstare Deo, qui Clericos aut trucidabunt, aut spoliabunt: quoniam reputabuntur jam in profundum malorum venisse, fient odiosi Deo et mundo: et cum modica nunc ad eos sit devotion, tunc omnis peribit. Erat istud Concilium quoddam retinaculum sacerdotium; sed cum viderint spem omnem deficere, laxabunt habens publice prosequendo nos. Ah quis honor erit Romanæ Curiæ, quæ Concilium congregatum pro reformatione turbavit? Certe totum odium, tota culpa, et ignominia transferetur in illam, tanquam causam,

been so disappointed at Constance, was now kindled at Basil with

auctricemque tot malorum. — Septimo, his diebus civitas metropolitana Magdeburgensis expulit Archiepiscopum et Clerum, et jam illi cives incedunt more Bohemorum cum curribus, et dicitur quod miserunt pro uno capitaneo Hussitarum. Et quod valde timendum est, habet civitas ista ligam cum multis civitatibus et communitatibus illarum partium. Item civitas Pataviensis, quae est de dominio domini Episcopi, expulit Episcopum, et erexit machinas contra quoddam castrum Episcopi. Utraque istarum civitatum est finitima Bohemis, et si conjungant se cum illis (prout valde timendum est), multarum civitatum habebunt sequelam. Scriptum est utrique rogando, ut supersedeant a guerra: et si qua controversia inter ipsos sit, offert se Concilium velle illam terminare. — Item quia magna discordia est inter civitatem Bambergensem, et Episcopum et Capitulum, quae est supra modum periculosa propter vicinitatem hæreticorum: Concilium dat operam ad interponendum se pro concordia. — Si modo dissolvatur Concilium, nonne populi Germaniae videntes, se non solum destitutos ab Ecclesia, sed deceptos, concordabunt cum hæreticis, et fient nobis inimiciores quam illi? Heu, heu, quanta ista erit confusio! finis pro certo est. Jam, ut video, securis ad radicem posita est: inclinata est arbor, ut cadat, nec potest diutius persistere. Et certe cum per se stare posset, nos ipsam ad terram præcipitamus. — Et quanquam dicatur, quod talis prorogatio et loci translatio sit ad bonum finem, ut ibi praesente Sanctitate Vestra majora bona sequi possint, nemo hoc credit, quia dicunt: *fuiimus delusi in Concilio Senensi, iterum in isto.* — Item, beatissime Pater, per hujusmodi prorogationum non tolluntur scandala quæ narrata sunt. Essent interrogandi hæretici, si volunt exspectare nsque ad annum cum diuidio, ut non disseminent virus suum. Essent et interrogandi, qui scandalizantur de deformitate Cleri, an interim velint supersedere. Ecce quotidie pullulat ista hæresis: illi quotidie seducunt Catholicos, aut vi opprimunt, non perdunt minimum temporis momentum. Quotidie nova scandala ex deformitate Clericorum insurgunt, et nihilominus provisiones ex remedio procrastinantur? Fiat quod fieri potest nunc: reliquum servetur ad annum cum diuidio. Ego timeo, quod usque ad annum eum diuidio, nisi aliter provideatur, magna pars Cleri Alemaniae erit desolata. Si per Germaniam diffunderetur hæc vox, quod Concilium esset dissolutum, pro certo Clerus omissus daretur in prædam. — Sed audio, quod nonnulli trepidant, quod in hoc Concilio debeat auferri temporalitas ab Ecclesia. Mira res! Si hoc Concilium non fieret per viros ecclesiasticos, forsitan dubitandum foret: sed quis erit iste Ecclesiasticus, qui huic determinationi consentiat? Non solum quia esset contra fidem, sed quia redundaret in detrimentum eorum. — Nec etiam umquam fuit aliquod legitime congregatum Concilium, in quo Spiritus Sanctus permisit aliquid contra fidem determinari. Cur timendum est contrarium in hoc? Hoc est diffidere de Spiritu Sancto. Sed vereor ne contingat nobis, sicut contigit Judæis, qui dixerunt: *si dimittimus hunc, venient Romani, et tollent locum nostrum et gentem* (Jo. xi. 48). Ita et nos dicimus: *si admittimus fieri Concilium, venient Laici, et tollent temporalitatem nostram.* Sed sicut justo Dei judicio factum fuit, quod Judæi perdidérunt locum suum, quia noluerunt dimittere Christum: ita et justo Dei judicio fiet, quod quia nolumus admittere Concilium fieri, perdémus temporalitatem nostram, et utinam non corpora et animas! Quando Deus vult alicui populo aliquod infortunium immittere, primo disponit, ut pericula non intelligantur, neque considerentur. Ita videtur nunc contingere viris ecclesiasticis, quos sæpe redarguo esse cæcos, qui vident ignem, et nihilominus currunt versus illum. — Nunquam fuisse celebratum aliquod Concilium, si hujusmodi timor invasisset corda patrum nostrorum, sicut invadit nostra. Sed et si hunc timorem habemus, cur non opponimus remedium? Cur ad evitandum unum malum, volumus incurrere majus? Ecce remedium ad hoc: Mittat hue Sanctitas Vestra aliquos de reverendissimis Domn. Cardinalibus, et aliquos notabiliores Prælatos, qui reperiri possunt, et bene affectos sedi Apostolicæ, et qui sint bene inclinati ad bonum universale; det Sanctitas Vestra omnem favorem possibilem huic Concilio, promoveat ipsi quantum potest; scribat ei literas benignas, exhortando ipsos, ad sancta opera, quæ proponunt, offerendo se, etc. — Quando isti talia videbunt et audient, in veritate puto, quod, etiamsi haberent malum animum, mutarent illum: et non solum studebunt conservare auctoritatem sedis Apostolicæ, sed augere. — Sed si videant contrarium, verbi gratia de dissolutione Concilii, tunc scandalizantur: et sequitur hoc, quod, ubi prius erant tepidi,

new ardor. Without regarding the interference of the Pope,⁷ the council was solemnly opened (Sess. I. on the 14th of Dec. 1431),⁸ the decrees passed at Constance concerning the dignity of General Councils renewed,⁹ the Pope and the cardinals summoned to appear,¹⁰

hujusmodi vox reddet ipsos magis acutos et ferventes. Then as to the pretext urged by the Pope for the immediate dissolution of the council.—Ad minus, beatissime Pater, differat S. V. usque ad mensem Julii, quia tunc cessabunt illa inconvenientia et scandalum, quæ modo obstant, videlicet de hæreticis vocatis ad Concilium, et militaribus; quia infra illud tempus omnia ista erunt completa. Poterunt etiam fieri aliquæ ordinationes super reformatione Cleri Alemaniæ et mitti per Germaniam, et sic videbitur aliquid factum, nec tunc poterit aliquid imputari S. V. Et hoc quidem nunc fieret cum scando et sine effectu; tunc honestius fieri poterit.—Aviso Sanctitatem Vestram, quod me hinc recedente, vel dimittente præsidentiam, isti statim facient sibi unum præsidentem auctoritate Concilii.

⁷ On the 18th of December, 1431, the Pope issued the bull for the dismissal of the council (see *Mansi XXIX.* p. 564 seq.). A chief ground for the measure is that Bologna is best suited for the purpose on account of the conference to be held with the Greeks. Et quia post transmissionem præfatarum nostrarum literarum ad notitiam nostram pervenit, ultra ea quæ superioris continentur, præfatos Bohemos hæreticos in Constantiensi Concilio tam mature atque solemniter condemnatos—fuisse invitatos Basileam ad disputandum et contendendum super articulis—condemnatis,—et alia diversa scandalum et pericula imminentem;—exnunc—Concilium, si quod—Basileæ congregatum videatur,—dissolvimus,—aliquidque Concilium in anno cum dimidio—in præfata civitate Bononiensi—indicimus. Et nihilominus in decennio aliud simile Concilium, juxta statuta Constantiensis synodi,—in civitate Avignonensi similiter extunc indicimus.

⁸ The order of business was regulated somewhat peculiarly in the Articuli de modo procedendi in S. Concilio conclusi in gen. Congregatione d. 26 Sept. 1430 (probably 1431), see *Mansi XXIX.* p. 377: Primo sint quatuor deputationes, sicuti sunt, inter quas omnes de Concilio distribuantur æquilater, quantum commode fieri poterit. Et sint in qualibet deputatione de quolibet statu sciil. Dominorum Cardinalium, Patriarcharum, Archiepiscoporum, Abbatum, Doctorum, Religiosorum, exemptorum et non exemptorum, et aliorum.—Nihil autem ardui proponat Præsidens in congregatione generali ad deliberandum seu concludendum, nisi prius fuerit propositum in singulis deputationibus et agitatum; nisi casus esset repentinus et talis, cuius mora esset nociva.—The names of the four deputations were: *Pro Communibus, Reformatoriis, Fidei, Pacis.*

⁹ Sess. II. on the 15th of February, 1432 (*Mansi XXIX.* p. 21) the two first resolutions of the Sess. V. Conc. Const. (see § 130, note 8) were renewed, according to which the council was set above the Pope, and he bound to obey its decrees. Further: Synodus Basiliensis decernit et declarat, quod ipsa pro hæresum extirpatione, ac morum generali reformatione Ecclesiæ in capite et in membris, neconon pace inter Christianos procuranda in Spiritu Sancto legitime congregata per nullum, quavis auctoritate, etiamsi papali dignitate præfulgeat, dissolvi, aut ad alium locum transferri, seu ad aliud tempus prorogari debuit aut potuit, debet aut potest, debebit aut poterit in futurum, absque ejusdem Synodi Basiliensis deliberatione et consensu. Then: Item diffinit,—quod nulla persona—in eadem Synodo actu existens aut futura—ad recedendum ab eadem a quoquam, quavis auctoritate etiamsi papali dignitate præfulgeat,—sine—consensu ipsius sanctæ Synodi requiri,—evocari ad alium locum—valeat, seu ne ad eandem sanctam Synodum veniat, possit aut debeat quonodolibet impediri. Si autem a quoquam, quavis auctoritate, etiamsi papali dignitate præfulgeat, in contrarium attentatum fuerit, seu attentaretur in futurum, aut processus penales vel mandata, etiam censure ecclesiasticae—fulminati fuerint—aut fulminarentur in futurum; totum sit irritum et inane. Finally, quod Prælati et alii, qui tenentur huic sacro Concilio interesse, ab hoc loco ante finitum Concilium, nisi ex causa rationabili, per deputatos seu ab hoc sacro Concilio deputandos examinandi, non recedant.—Et tunc taliter recedens teneatur dimittere aliis in loco remanentibus suam potestatem.

and in every respect the position taken of the highest ecclesiastical authority.¹¹ The defenders of the council, however, amongst whom the most conspicuous was Nicolaus Cusanus, asserted principles, that threatened the very foundation of the papal power.¹² Encouraged

¹⁰ Sess. III. on the 29th of April, 1432 (l. c. p. 25) : Hæc sancta Synodus in Spiritu Sancto legitime congregata predictum beatissimum dominum Papam Eugenium cum omni reverentia et instantia supplicat, et per viscera misericordiae Jesu Christi exorat, requirit, et obtestatur, ac monet, quatenus prætensam dissolutionem, sicut de facto processit, de facto revocet : — neconon infra trium mensium spatum, quod ad hoc pro termino peremptorio præfigit et assignat, si corporalis ipsius dispositio patiatur, personaliter veniat : sin autem, personam vel personas loco et vice sui destinet et transmittat cum plenaria potestate ad omnia et singula in hoc Concilio peragenda. — Alioquin si hæc Sanctitas Sua facere neglexerit (quod de Christi Vicario non est aliqualiter sperandum), sancta Synodus, prout justum fuerit, et Spiritus Sanctus dictaverit, necessitatibus Ecclesie providere, curabit, et procedet secundum quod juris fuerit divini pariter et humani. Similiter — dominos Cardinales — requirit, — quatenus infra spatum trium mensium ab intimatione præsentium — ad dictum sacrum Concilium generale veniant, etc.

¹¹ Sess. IV. on the 12th of July, 1432, it was resolved (l. c. p. 32), quod in eventum vacationis Sedis Apostolicae hoc sacro generali durante Concilio electio summi Pontificis in loco istius sacri Concilii fiat. — *Item* — statuit et ordinat ipsa Synodus, quod de cetero in literis suis authenticis utatur bulla plumbea pendente cum chordula cannabis aut serici, prout varietates causarum et rerum, super quibus litteræ eadem conficiuntur, postulabit, in uno missionis Spiritus Sancti in specie columbae, in alio vero lateribus horum verborum *Sacrosancta generalis Synodus Basileensis* sculpturas continent, decernens eisdem plenam et omnimodam fidem adhibendam fore. — *Item* — statuit, — quod durante hoc sacro Concilio Romanus Pontifex, a loco istius sacri Concilii absens personaliter, non debeat nec possit aliquem — in s. Romanae Ecclesie Cardinalem assumere. — Et si securus attentatum fuerit, ex nunc in anteira irritum sit et inane, nulliusque roboris vel momenti. The synod then commissioned the Cardinalis s. Eustachii with the government of Avignon and Benaissin, cum ad ipsius sacræ Synodi notitiam — sit deductum, quod civitas Avinionensis — certis urgentibus rationibus et causis necessariis Vicarium per summum Pontificem ad ipsius regimen destinatum se admittere non debere prætentat, atque ad eundem summum Pontificem anibaxias destinaverit pro utili et salubri gubernatione civitatis ejusdem ac comitatus Venaycini eidem adjacentis, suppliciter postulans, ut de alio utili eis providetur Vicario, quod hucusque obtinere nequivit, nec sperat posse obtinere : quin immo is qui pro Vicario destinatus est, intendit et nititur suspicere gubernationis officium invita civitate, congregare satagens multitudinem gentium armatarum.

¹² Nicolaus Chryfftz (or Crab), a native of Eues on the Mosel, born 1401, † 1464 (Berichtigungen u. Zusäge zu s. Lebensbeschreibungen in d. Tübinger theol. Quartalschrift. Jahrg. 1831. Heft 2, S. 386), who was present at the council as Decanus of St. Florinus in Coblenz, wrote now his libb. III. de catholica concordantia (in ejusd. Opp. Paris. 1514. fol. T. III. and in *Sim. Schardii* Syntagma tractatum de imperiali jurisdictione. Argent. 1609. fol. p. 285). Comp. e. g. the following principles, lib. II. c. 34 : Universale Concilium catholice Ecclesiae supremam habet potestatem in omnibus super ipsum Romanum Pontificem. — Licet secundum plura Sanctorum scripta potestas Romani Pontificis a Deo sit, et secundum alia ab homine et Conciliis universalibus (comp. vol. I. § 92, notes 15, 29, and 64) : tamen videtur in veritate medium concordantia per scripturas investigabile ad hoc demum tendere, quod ipsius Pontificis Romani potestas, quoad considerationem præminentem prioratus et principatus, sit a Deo per medium hominis et Conciliorum, scilicet mediante consensu electivo. — Unde etsi Romanus Pontifex, aut ex loco et sede Petri, aut principatu civitatis inter cæteros mundi Episcopos in primatu ut præcipiuus — veneraretur : tanien nisi subjective ex consensu concurreret electio per eos, qui aliorum omnium vices gerunt, non crederem, ipsum præsidem aliorum omnium et principem sive judicem esse. Quare

by the universal approbation its measures met with,¹³ the council next proceeded from admonitions to threats, and then to a formal trial of the Pope.¹⁴ He, on his part, seemed bent on obstinate opposition, but pressed by the Duke of Milan and the rebellious Romans, who made the defence of the council a ready pretext for their designs,¹⁵ and deserted by a great part of his cardinals,¹⁶ he was nevertheless

si per possibile Treverensis Archiepiscopus per Ecclesiam congregatam pro præside et capite eligeretur, ille proprio plus successor s. Petri in principatu foret, quam Romanus Pontifex. Lib. III. c. 2: Sunt meo iudicio illa de Constantino (the *Donatio Constantini*) apocrypha, sicut fortassis etiam quædam alia longa et magna scripta, Sanctis Clementi et Anacleto Papæ attributa, in quibus volentes Romanam sedem omni laude dignam plus, quam Ecclesiæ sanctæ expedit et decet, exaltare, se penitus aut quasi fundant.

¹³ Thus the university of Paris wrote to the Council 9 Febr. 1432 (*Bulæ hist. Univ. Paris. V. p. 412*), that it had heard, plerosque filios iniquitatis ad ipsum totis adspirare conatus, ut sanctum ac salutare Concilium — prorogetur, aut transferatur, et verius, penitus irritetur atque dissipetur. — Non itaque, Venerandi Patres, torpescant corda vestra, non frangantur animi! — Si autem Romanus Pontifex illud propria auctoritate vellet dissolvere atque dissipare ante plenariam digestionem articulorum inceptorum, non eidem putamus in ea re, salva sedis auctoritate, esse obtemperandum, sed potius in facie, si opus esset, resistendum, sicut Paulus, qui signum tenet Doctorum, Petro in facie restitit, figuram gerentis Pontificium. Etsi enim summus Pontifex in Concilio præmineat atque presideat, non sua tamen facultatis est ad arbitrium concludere, sed ad ampliorem numerum concordium sententiatarum.

¹⁴ The Pope was defended on the 22d of Aug. 1432, before a Congregatio gen. by the archbishops of Colocz and Tarento, who had come to Basil at the head of a papal embassy. Their speeches are in Mansi XXIX. p. 468 seq. To these the council returned a Responsio synodalis de auctoritate cuiuslibet Concilii generalis supra Papam et quoslibet fideles, quodque sine ejus consensu non potuit dissolvere Concilium Basileense Dominus Eugenius Papa IV. (in Mansi XXIX. p. 239 seq.). In the Sess. VI. on the 6th of Sept. (l. c. p. 39) the Promotores Concilii proposed to declare the Pope and the absent cardinals contumaces: the council was not yet ready, however, for such a step, and once more called on the Pope, Sess. VIII. on the 18th of Dec., to submit within 60 days. Sess. X. on the 19th of Febr. 1433, it was resolved on the motion of the Promotores: hæc s. Synodus judices hujus sacri Concilii deputat et ordinat ad videndum et ad examinandum processum factum contra eundem dominum Eugenium, et referant in Congregatione generali. Sess. XII. July 14. 1433 (l. c. p. 59) Synodus — amodo in dictum Dominum Eugenium acrioribus remedii, quandoquidem leniora non prosunt, procedere decrevit. Et quamquam in tam notorie et incorrigibiliter scandalizantem Ecclesiam statim posset finalem ferre sententiam, nesciens tamen maternæ pietatis oblivisci, intuitu etiam præfati Serenissimi Imperatoris, qui per suas litteras super hoc nos exakte rogavit, adhuc ipsum Dominum Eugenium tertio monere, ac etiam tertiam ei indulgere dilationem proponit, ut in sua potestate sit, si velit, pœnam evitare. He is allowed therefore further term of 60 days, and threatened after that with suspension, processu tandem ad ulteriora, usque ad sententiam finalem inclusive, si opus fuerit, ipso Domino Eugenio amplius non citato, prout Spiritus Sanctus dictaverit: omnem autem ipsius Papatus administrationem in his omnibus, quæ in spiritualibus et temporalibus ad solum Papam, vel ad solam sedem Apostolicam de jure pertinere noscuntur, eadem sancta Synodus post dictum terminum ad seipsam decernit et declarat ipso facto esse devolutam. Sess. XIII. Sept. 11, 1433, a new term of 30 days was allowed him, and Sess. XIV. Nov. 7, 1433, another of 90 days.

¹⁵ *Raynald.* ann. 1433, no. 26; 1434, no. 6.

¹⁶ *Antonini* summa hist. P. III. Tit. 22. Cap. 10. § 2: Et cum nec satis fama prospera Eugenii foret, præsertim quia Pontificatum tranquillissimum a Martino suscepimus ipse confestim magnis perturbationibus involvisset: Cardinales plures ab eo recesserunt, aliqui clam insalutato hospite, alii patenter occasione inventa aliquibus bonæ rei fiendæ, et Basileam pergentes — simul cum multis aliis Episcopis

forced to yield.¹⁷ On this (Sess. XVII. April 26, 1434) the papal legates were at length admitted, but not till they had assented to the effective measures taken by the council to secure its independence.¹⁸

et Prælatis convenerunt. Some details are communicated by the ambassador of the Teutonic Order to his Grand-master, see *Raumer's Taschenbuch* for 1833, § 75. According to his account only four cardinals remained with the Pope.

¹⁷ The emperor Sigismund exerted himself particularly to induce the Pope to yield, but at first without effect, see *Eugenii epist. ad Franc. Foscarem ducem Venetiarum in Raynald.* ann. 1433, no. 19. Primum — cum (Imperator) institisset nobiscum literis et nunciis, ut Concilio illi hæreremus omnino, hoc recusavimus: potius enim hanc Apostolicam dignitatem et vitam insuper posuissemus, quam voluissemus esse causa et initium, ut pontificalis dignitas et sedis Apostolicæ auctoritas submitteretur Concilio contra omnes canonicas sanctiones, quod nunquam antea neque aliquis nostrorum prædecessorum fecit, neque ab ullo extitit requisitum. Still he issued on the 1st of Aug. 1433, the bull Dudum (*Mansi XXIX. p. 574*) declaring: volumus et contentamur, præfatum generale Basileense Concilium a tempore inchoationis suæ continuatum fuisse et esse, prosecutionemque semper habuisse et continuari, prosecutionemque ad prædicta habere debere, perinde ac si nulla commutatio, translatio seu dissolutio facta fuisset: quinimmo præfatam commutationem, translationem, seu dissolutionem revocantes ipsum Concilium Basileense pure, simpliciter, cum effectu ac *omni caritate amplectimur*: — ita tamen quod presidentes nostri ad præfati Concili præsidentiam admittantur cum effectu, ac omnia singula contra personam, auctoritatem ac libertatem nostram et sedis Apostolicæ ac venn. fratum nostrorum S. R. E. Cardinalium, et aliorum quorumcunque nobis adhærentium in dicto Concilio facta et gesta per dictum Concilium prius omnino tollantur. The council was not satisfied, however, with this bull, and on the Sess. XIV. Nov. 7, 1433 (*Mansi XXIX. p. 72*) proposed to the Pope various forms for the declaration they desired, from which to choose; and on the 16th of Dec. the Pope issued a new edition of the bull Dudum, altered according to those suggestions (*Mansi, l. c. p. 78*). This reads: decernimus et declaramus, præfatum generale Concilium Basileense a tempore prædictæ inchoationis suæ *legitime* continuatum fuisse et esse, prosecutionemque semper habuisse, continuari ac prosecutionem habere debere ad prædicta et pertinentia ad ea, perinde ac si nulla dissolutio facta fuisset: quinimmo præfatam dissolutionem *irritam et inanem* — *declarantes*, ipsum sacrum generale Concilium Basileense pure, simpliciter et cum effectu ac *omni devotione et favore prosequinur*. — Præterea — duas nostras literas, — et alias quaecunque, et quidquid per nos aut nostro nomine in præjudicium aut derogationem prædicti sacri Concilii Basileensis, seu contra ejus auctoritatem factum et attentatum seu assertum est, cassamus, revocamus, irritamus et annullamus. — Item revocamus quoquaque processus — factos contra supposita hujus sacri Concilii Basileensis et adhærentes eidem. — Nos autem deinceps a novitatibus et gravaminibus seu præjudiciis inferendis ipsi sacro Concilio, vel suppositis ejus et adhærentibus eidem realiter et cum effectu desistemus. The bulls which are thus repealed are inserted at length.

¹⁸ In the first place the legates had first to swear in a general Congregation on the 8th of April (*Mansi XXIX. p. 409*), fideliter laborare pro statu et honore Concilii Basileensis, et ejus decreta defendere et manutene, et specialiter decreta Concilii Constantiensis, cuius tenor sequitur et est talis: *Primo quod generalis Synodus Constantiensis necnon quæcumque alia Synodus in Spiritu Sancto legitime congregata — potestatem a Christo immediate habet, etc. — Item declarat, quod quicumque, cujuscumque status et dignitatis, etc.* (see § 130. note 8). Item dare sanum et salubre consilium secundum Deum et conscientias suas, et non revelare vota singulorum, inquantum ex hujusmodi revelatione verisimiliter possit oriri aliquod odium vel scandalum, et non recedere a loco hujus Concilii sine licentia obtenta a deputatis ejusdem. They were then admitted to the council in the following manner, Sess. XVII. 26th of Apr. (*Mansi XXIX. p. 90*): *Sacrosancta generalis Synodus Basileensis, in Spiritu Sancto legitime congregata, universalem Ecclesiam repræsentans, dilectos Ecclesiæ filios Nicolaum tit. s. Crucis*

And now the council, by this time grown very numerous, proceeded to take up in earnest the measures of reform, so much agitated, but so imperfectly carried through at the Council of Constance.¹⁹ As early as Sess. XII. July 13, 1433, most of the papal reservations were abolished;²⁰ Sess. XV. Nov. 26, 1433, regular diocesan and

in Ierusalem presbyterum, Julianum s. Angeli diaconum, s. Romanae Ecclesiæ Cardinales, et venerabiles Joannem Archiepiscopum Tarentinum et Petrum Episcopum Paduanum, ac dilectum Ecclesiæ filium Ludovicum Abbatem s. Justinæ Paduanæ tantum admittit in Præsidentes in hoc sacro Concilio, nomine, vice et loco sanctissimi Domini Eugenii P. IV. cum infrascriptis conditionibus et clausulis, plenissimum robur et effectum per omnia habituris, videlicet, sine omni jurisdictione coactiva, salvo etiam modo procedendi in hoc sacro Concilio hactenus observato, præsertim qui continetur in ordinationibus hujus s. Concilii, quæ incipiunt: *Primo sint quatuor deputationes* (see above, note 8). — Item quod lectis in congregatione generali his quæ conclusa sunt per deputationes primus inter Præsidentes ibidem præsentes — concludat juxta ordinationes sacri Concilii. Quod si nolit ipse aut alias de Præsidentibus — facere, tunc proximior Prælatus subsequens in ordine considendi concludat. — Et si forte nullus de Præsidentibus veniat ad congregationem, vel ad sessionem generalis Concilii, tunc primus Prælatus — pro illo die faciat officium Præsidentis. Item quod omnia acta hujus sacri Concilii (sicut hactenus est observatum) fiant et expediantur sub nomine et bulla ipsius Concilii.

¹⁹ Propositions for such reform were sent to Cardinal Julian by Andreas de Escobar, Episc. Megarensis (his true name according to Nicol. Antonii biblioth. Hisp. and not as *v. d. Hardt* gives it, Episc. Magorensis), who had been very active at the council of Constance, in his Gubernaculum Conciliorum (in *v. d. Hardt* Conc. Const. T. VI. p. 139 seq.) A. D. 1434 (not 1435, see p. 177 and 186). Remarkable the passage, p. 182: *Et timendum est, quod ante diem judicii, et in brevi (Romana Ecclesia), nisi super eam fiat reformatio et reparatio, desoletur et foras mittatur et ab hominibus conculeetur. Quia penitus ab illis fundamentis Sanctorum et Apostolorum, Martyrum et Confessorum, et Iesu Christi ac patrum nostrorum et majorum doctrinis, et regulis conscientiæ aliena, et omnibus vitiis et turpitudinibus defedata.* p. 186: *Si (generale Basileense Concilium) absque reformatio dissolvatur, tunc certe speratur, quod sancta Romana Ecclesia et Apostolica — spoliabitur suis ornamentis et possessionibus temporalibus, et Clerus et Apostolica Ecclesia privabitur suis bonis et privilegiis, ac libertatibus, et erit sub servitute peccati ac tributo census et nummi, et turbabitur ac nimium fluctuabit Petri navelcula, quæ in se Judam et Simonem recepit, qui generalibus Conciliis contradicunt, et ea dissolvere satagunt, et ne fiant imposterum, impediunt.*

²⁰ The Decretum de electionibus et confirmationibus Episcoporum et Prælatorum (in Mansi XXIX. p. 61) abolishes the papal Reservations, reservationibus in corpore juris clausis, et his quæ in terris Romanae Ecclesiæ ratione directi seu utilis dominii mediate vel immediate subjectis fieri contigerit, semper exceptis, and provides, quod per electiones et confirmationes canonicas, secundum juris communis dispositionem, prædictis Metropolitanis, Cathedralibus, Monasteriis, et collegiatis Ecclesiis ac dignitatibus electivis vacantibus debite provideatur. — Debet nitique hæc s. Synodus rationi fore consentaneum et reipublicæ accommodum, ut contra hoc salutare decretum Romanus Pontifex nihil attentet, nisi ex magna, rationabili ac evidenti causa, litteris Apostolicas nominatum exprimenda. Et ut eo firmius hoc salubre decretum custodiatur, vult eadem s. Synodus, ut inter alia, quæ Romanus Pontifex in sua assumptione profitebitur, juret decretum hoc inviolabiliter observare. Then follow provisions concerning the choice of prelates. Nothing whatever is to be paid for their confirmation. Summum vero Pontificem hæc s. Synodus exhortatur, ut, cum speculum et norma omissis sanctitatis et munitionis esse debeat, pro confirmatione earum electionum, quas ad eum deferri contigerit, nihil penitus exigat aut recipiat: alioquin, si secus faciendo notorie et incorrigibiliter ex hoc Ecclesiam scandalizet, futuro Concilio deferatur. Pro oneribus autem, quæ ipsum pro regimine universalis Ecclesiæ subire oportet, proque sustentatione S. R. E. Cardinalium et aliorum necessariorum officialium hoc sacrum Concilium ante sui dissolutionem omnino debite et congruenter provideat.

provincial synods were prescribed;²¹ Sess. XX. Jan. 22, 1435, resolutions were passed against the concubinage of the clergy,²² against the precipitate promulgation of interdicts,²³ and against ungrounded appeals to the Pope.²⁴ Sess. XXI. June 9, Annates were abolished,²⁵ and certain abuses which had crept into the mode of celebrating public worship, forbidden.²⁶ Sess. XXIII. March 25,

²¹ Mansi XXIX. p. 74: — s. Synodus — præcipit, Synodum Episcopalem in qualibet diœcesi post octavas dominicæ Resurrectionis, vel alia die secundum consuetudinem diœcesum, ad minus semel in anno, ubi non est consuetudo bis annuatim, celebrari per diœcesanum propria in persona. They must continue at least two or three days, and employ themselves with enforcing the decrees of the church, examining the morals of the priests, correcting abuses, extirpating heresies, &c. For these purposes testes synodales were to be called on oath. — Provincial synods were to be held at least every three years. — The monastic orders also were to hold their Capitula regularly.

²² Mansi XXIX. p. 101. Sess. XX. Decr. 1. Every priest, who should continue two months after the publication of this order to live in open concubinage, was to be ipso facto suspended a perceptione fructuum omnium suorum beneficiorum for three months, and if on being warned he should not immediately put away his concubine, to be deposed. Quia vero in quibusdam regionibus nonnulli jurisdictionem ecclesiastica habentes, pecunarios quæstus a concubinariis percipere non erubescunt, patiendo eos in tali fœditate sordescere (see § 107, note 9): sub pœna maledictionis aternæ præcipit, ne deinceps sub pacto, compositione, aut spe aliquuj quæstus, talia quovis modo tolerent aut dissimulent: alioquin ultra præmissam negligentia pœnam duplum ejus, quod propterea acceperint, restituere adpios usus omnino teneantur et compellantur. Ipsas autem concubinas — Prælati modis omnibus curent a suis subditis, etiam per brachii sæcularis auxilium, si opus fuerit, penitus arcere: qui etiam ex tali concubinatu procreatos filios apud patres suos cohabitare non permittant.

²³ Decr. 3: Quoniam ex indiscreta interdictorum promulgatione multa consueverunt scandala evenire, statuit hæc sancta Synodus, quod nulla civitas, oppidum, — aut locus ecclesiastico supponi possint interdicto, nisi ex causa seu culpa ipsorum locorum, aut domini seu rectorum vel officialium: propter culpam autem — alterius cuiuscunque privatæ personæ hujusmodi loca interdici nequaquam possint, — nisi — domini seu rectores — ipsorum locorum, auctoritate judicis requisiti, hujusmodi personam excommunicatam infra biduum inde — non ejecerint, aut ad satisfacendum compulerint.

²⁴ Decr. 4: Ut lites citius terminentur, super eodem gravamine, aut super eadem interlocutoria vim diffinitivæ non habente nullatenus liceat secundo appellare. Quodque ante diffinitivam frivole vel injuste appellans, ultra condemnationem expensarum, dannorum, et interesse, in quindecim florenis auri de camera parti appellatae per appellationis judicem condemnetur.

²⁵ Mansi XXIX. p. 104. Sess. XXI. Decr. 1. de annatis: In nomine Spiritus Sancti paracleti statuit hæc sancta Synodus, quod tam in curia Romana quam alibi pro seu in confirmatione electionum, admissione postulationum, præsentationum provisione, collatione, dispositione, electione, postulatione, præsentatione, ctiam a laicis facienda, institutione, installatione, et investitura, de Ecclesiis etiam cathedralibus et metropolitanis, Mouasteriis, — officiisque ecclesiasticis quibuscumque, necnon ordinibus sacris et benedictione ac pallio, de cætero nihil penitus ante vel post exigatur ratione literarum, bullæ, sigilli, annatarum communium, et minutorum servitorum, primorum fructuum, deportuum, aut sub quo cumque alio titulo. — Huic autem sacro canoni si quis — contraire præsumperit, pœnam incurrat adversus simoniaeos infictam. — Et si (quod absit) Romanus Pontifex, qui præ cæteris universalium Conciliorum exequi et custodire canones debet, adversus hanc sanctionem aliquid faciendo Ecclesiam scandalizet, generali Concilio defratur. Cæteri vero pro modo culpæ juxta canonicas sanctiones per suos superiores digna ultione puniantur.

²⁶ Namely, in suspending the horæ canonicae and the masses. Decr. 9 forbids the abuse, quo nonnulli Ecclesiarum Canonici contrahentes debita, sic se creditoris.

1436, regulations were made concerning the choice of the Pope, the oath to be taken by him, and the duties of his office,²⁷ also concerning the cardinals,²⁸ and an unconditional prohibition of the papal Reservations, which had before been abolished.²⁹ Such decided

bus obligant, ut nisi statuto tempore satisfiant, a divinis cesseretur officiis. Decr. 11 forbids the Fools Festival (see § 79) : Turpem etiam illum abusum in quibusdam frequentatum Ecclesiis, quo certis anni celebritatibus nonnulli cum mitra, baculo ac vestibus pontificalibus more Episcoporum benedicunt, alii in reges ac duces induit, quod festum fatuorum, vel innocentium seu puerorum in quibusdam regionibus nuncupatur, alii larvales et theatrales jocos, alii choreas et tripudia marium ac mulierum facientes homines ad spectacula et cachiinnationes movent, alii commissationes et convivia ibidem præparant : hæc s. Synodus detestans, statuit et jubet tam Ordinariis, quam Ecclesiarum Decanis et Rectoribus sub pena suspensionis omnium proventuum ecclesiasticorum trium mensium spatio, ne hæc aut similia ludibria, neque etiam mercantias seu negotiationes nundinarum in Ecclesia, qua domus orationis esse debet, ac etiam eœmeterio exerceri amplius permittant, transgressoresque per censuram ecclesiasticam, aliaque juris remedia punire non negligent.

²⁷ Mansi XXIX. p. 110. Sess. XXIII. Decr. 1. de electione summi Pontificis, C. 2. The Pope when elected must subscribe the professio which follows in the next chapter. This is the same prescribed at Constance (§ 130, note 15) with some additions. He promises first, to provide for purity of doctrine, observance of the usages of the church, and the extirpation of heresies, pro reformatione morum ac pace in populo Christiano. Then : juro etiam prosequi celebrationem Conciliorum generalium et confirmationem electionum juxta decreta sacri Basileensis Concilii. At each anniversary of his election, this professio was to be read to him by one of the cardinals during mass, with the following exhortations : Curet igitur Sanctitas Tua, pro honore Dei, et salute animæ Tuae, et utilitate universalis Ecclesie praedicta omnia pro viribus observare bona fide, sine dolo et fraude. Recogites etiam, cuius vicem geras in terris, etc. — Memineris quid b. Petrus aliqui sibi succedentes Pontifices fecerunt, qui nihil aliud cogitabant, nisi honorem Dei, etc. — Noli Tibi aut tuis thesaurizare in terris, etc. — In distribuendis dignitatibus et beneficiis non carnem, non munera, non quid aliud temporale, sed solum Deum, et virtutes atque hominum merita Tibi proponas. In corrigendis excessibus ecclesiasticam exerce disciplinam. — Pauperes autem ac miserabiles personas defende, juva et sustenta. Ad omnes autem paternam habe caritatem. Then follow full directions from the council for the government of the church and its territories.

²⁸ Decr. 4. de numero et qualitate Cardinalium. The provisions of the Council of Constance are first repeated (§ 130, note 19). Then an oath is prescribed for the newly elected cardinals, and directions given to the cardinals, in what manner they were to support the Pope in the government of the church, and how they were themselves to live. E. g. Si quando Papam (quod absit) negligenter aut remissum, seu agentem quæ statum illius non decent, ipsi Cardinales inspicerint, filiali reverentia et caritate tanquam patrem obsercent, ut officio pastorali honoriique ac debito suo satisficiat. Et primo quidem aliquis vel aliqui de iis per se, deinde si se non corrigat, omnes collegialiter accersitis quibusdam notabilibus Prælati, prædicentes, quod si non abstinuerit proximo generali Concilio deferat : nec pro salute ipsius Summi Pontificis et bono publico ejus odium vel quidquam aliud timeant, dum tamen reverenter et caritative id agant.

²⁹ Decr. 6. de reservationibus (see note 20, above). Et quia multiplices Ecclesiarum et Beneficiorum haec tenus factæ per summos Pontifices reservationes non parum Ecclesiis onerosæ extiterunt; ipsas omnes tam generales quam speciales sive particulares de quibuscumque Ecclesiis et Beneficiis, quibus tam per electionem, quam collationem, aut aliam dispositionem provideri solet, sive per Extravagantes *Ad regimen et Exercibilis*, sive per regulas Cancellariae, aut alias Apostolicas constitutiones introductas, hæc s. Synodus abolet, statuens ut de cætero nequaquam fiant: reservationibus in corpore juris expresse clausis, et his, quas in terris Romanæ Ecclesiæ ratione directi seu utilis dominii, mediate vel immediate subjectis fieri contigerit, duntaxat exceptis. This was just what the Germans had asked at the Council of Constance in their Avisamentis (see § 130, note 18) v. d.

steps brought the council once more into collision with the Pope, each party complaining of the encroachments of the other.³⁰ The

Hardt I. XXII. p. 999), and been refused, see the Concordat with the Germans at Constance, cap. 2 (§ 130, note 19).

³⁰ The Council strove long in vain to prevail on the Pope formally to acknowledge its decrees, especially the decree de electionibus (note 20), and to this end sent to him several embassies (the names of the ambassadors see in Mansi XXX. p. 1064). The speeches of the fourth embassy, which consisted of Jo. de Hungaria Decr. Doctor. and Mag. Matthæus Mesnage, to which the Pope gave audience on the 14th of July, 1435, are full of reproaches and threats (Mansi XXX. p. 939): *Si Sanctitas Vestra non servaret decretum de electionibus per sacrum Concilium promulgatum, timendum foret, quod infra deceat aut quindecim annos s. catholica Ecclesia divisa reperiatur in tot partes quot sunt diœceses.* Wherefore they pray quatenus Sanctitas Vestra deinceps cum effectu servare et servari facere velit decreta edita et edenda per sacrum Concilium Basileense, et in contrarium attenta revocare, alioquin P. B. dicta sacra Synodus multiplicibus juriorum ac scandalorum erebris propulsata opprobriis, intendit dare operam efficacem, per quam decreta sua ab omnibus inviolabiliter observentur, etiam quaecumque præfulgeant dignitate, prout ei possibile erit. — In omnibus autem Sanctitas Vestra velit sic agere, quod patres in saero Concilio concipere valeant, Sanctitatem Vestram manutenere sacrum Concilium, et non per indirectum dissolvere. At the same time the embassy presented the decree de annatis (see note 25), admonished the Pope to observe it, and at the same time announced: *Sacrum concilium omnino dispositum est, et jam laborat, per aliquem alium modum honestiorem Sanctitati Vestrae et Dominis Cardinalibus talcm facere provisionem, de qua Sanctitas Vestra et Domini Cardinales merito poterunt contentari: præsertim autem si sacrum Concilium informatum fuerit, realiter et cum effectu Sanctitatem vestram decreta sacri Concilii Basileensis servare ab aliisque observari facere, et in contrarium attentata revocare.* The Pope then sent Oratores to Basle, to demand (Mansi XXX. p. 946), quod aut suspendatur decretum de annatis, aut debita sedi Apostolice fiat provisio: the answer was (p. 950), that such provision would be made, si Summus Pontifex ipse circa synodalium decretorum observantiam animua, ut decet, inclinaverit. After this on the 20th of Jan. 1436, a new embassy to the Pope was resolved on, which was commissioned to use still more decided language, and to declare in conclusion (see their instructions, l. e. p. 1064), quod sacrum Concilium non valens amplius ista tolerare, mittit dictos oratores, per quos sacrum Concilium rogit ipsum dominum nostrum, — ac solemniter et peremptorie requirit et monet, ut — velit a talibus penitus absinere, ac efficaciter servare decretum istius sacri Concilii, et tenorem adhesionis suæ; et quod in testimonium hujus infra XXV. dies a die hujuscemodi monitionis publice ac solemniter in Consistorio publico debeat facere legi litteras more Curia Romana bullatas infrascripti tenoris, mitten-das infra [alias] XXV. dies ad sacrum Concilium, in generali congregatiōne seu sessione legendas. Quod si — prædicta non fecerit — ipsum saerum Concilium protestatur eoram Deo et hominibus, quod sine alia dilatatione et citatione — procedet contra ipsum juxta decretum Concilii Constantiensis. The accompanying form of the bull required from the Pope was this (p. 1065): *Omnes appellaciones interpositas vel interponendas ad nos a sententiis lati per sacrum Concilium, vel Commissarios aut Judices ejusdem ipso durante, nullamus et irritamus, mandantes sub pena excommunicationis latæ sententiæ omnibus Judicibus et Commissariis auctoritate nostra deputatis, ne super illis procedere audeant. Revocamus etiam omnia gravamina, et quidquid factum est dieta auctoritate nostra contra tenorem nostræ adhesionis, ac contra decretum ipsius sacri Concilii Basileensis: ratificamus et approbamus omnia decretalia ipsius saeri Concilii Basileensis, et præsertim de electionibus et de annatis: pollicemur, quod sine dolo et fraude illa manuteneret et servaret, etc.* Then follows the *Monitorium*, to be delivered to the Pope, in which the complaints against him are detailed in full. Amongst them are the following (p. 1067): *quotidie nostræ a diversis personis ac pro variis causis aures pulsantur propter importabilia gravamina eis illa in derogationem per nos nostraque auctoritate gestorum, potissime quod adversum sententias hie latas, quæ in rem transver-sint judicatam, adversum ipsam etiam causarum pendentiam in hoc sacro Concilio,*

negotiations with the Greeks were once more made a pretext by the Pope for removing the seat of the council into Italy, where his influence could be exerted to more effect. The fathers at Basil, however,

rescripta concederit quotidieve concedat, appellationes etiam a sententiis per hanc Synodus seu ejusdem Commissarios lati in Curia et extra commiserit et committat, lites propter hoc faciendo inmortales, et divisiones quam plurimas seminando, neconon varia supposita (*suppôts*) ab hoc sacro Concilio avocando, qui in agendo pro universali Ecclesia plurimum conferbant. Here we find already the charge, p. 1068: Intellexit a fide dignis plurimis s. Synodus, eundem Dominum Eugenium ad diversos reges et principes suos nuncios destinasse, ut in earundem annatarum perseverantia sibi adsisterent. A letter of instructions given by the Pope, soon after this, to his nuntios, sent to the various princes, (see *Raynald.* ann. 1436, no. 2 seq., contains a full defence against these charges, and a complaint of the whole proceedings of the Council. It is mentioned as an unheard of heresy, (no. 3), Concilia generalia non suspicere auctoritatem et fundamentum a Christi Vicario, so that also Romanus Pontifex, ut Praelatus quilibet, obedire tenetur decretis — Concilii. — Quod nihil aliud est, quam potestatem Summi Pontificis Christique Vicarii in terris totaliter annihilare, et supremam potestatem ipsi a Christo datam in manibus multitudinis ponere: quod est non tam erroneum, quam etiam ab omni doctrina ss. Patrum totaliter alienum, immo toto statu catholicorum Principum valde perniciosum, quoniam pari modo possent eorum populi, si congregarentur, supra eos prætendere potestatem. The Decretum de annatis is (no. 4) in grave præjudicium et depressionem Apostolicae sedis, cum a tanto tempore, de cuius contrario non est memoria, et per multa retro saecula (see § 100, note 26; § 102, note 3) Summus Pontifex — in pacifica fuerit possessione de levandis annatis: — utpote quæ nunquam fuerint per aliquod Concilium revocatae, immo potius in generali Viennensi (!!) et Constantiensi Concilio susceptæ. — Cardinales etiam S. R. E. et cæteri Curiales Romanae Curiae — in praesentia S. D. N. publice sunt protestati, — affirmantes, quod si decretum hujusmodi tam præcipitanter factum debebat observari, compellebantur relinquere sedem Apostolicam et ejus servitia. Furthermore the council had never seriously considered of any other provision for the Pope. There is some justice in the complaint (no. 6) that the council had interfered unjustifiably in the administration of the church: Illud summe advertendum est, et ad quos omnis Principum consideratio se convertere debet, quod ii, qui Basileæ sunt, omnia administrant et faciunt tam in spiritualibus quam in temporalibus quæ spectant et pertinent ad exercitium supremi in Ecclesia Principis, quoniam minores causas agunt, de causis confirmationis cognoscunt, postulationes, quæ soli gratiæ nituntur, et quos solus Papa consuevit admittere vel rejicere, non solum in Concilio recipiunt, immo eas contra provisiones Apostolicae sedis admittunt, — de canonizationibus Sanctorum cognoscunt, beneficia et officia — dant, pensiones super beneficiis imponunt, confessionalia concedunt more Romanae Curiae, ab omnibus peccatis absolvunt, — dant indulgentias, — faciunt Doctores in omni facultate nullo vel modico examine prævio, cum illegitimis dispensant ad ordines, dignitates et hæreditates, plerisque pallium conferunt, Episcopos consecrari præcipiunt, — in gradibus a jure prohibitis dispensant ita faciliter, ut repertum sit, dispensatum esse per unum Praelatum in secundo gradu consanguinitatis auctoritate, ut dicebatur, Concilii. — Quæ omnia nullum umquam generalium Concilliorum — facere præsumpsit, etc. — The legates are therefore directed to call on the princes to interfere (no. 14), unless the council should yield (*sesto*), ipsi Principes velint suos oratores de Basilea revocare, neconon etiam Praelatos eorum et subditos tam ecclesiasticos, quam saeculares. The close of these instructions is characteristic (no. 15), where the legates are directed what arguments to address to the emperor, and what to the king of France. Then: Similiter unicuique Regi et Principi specialia quædam diei poterunt pro majori parte, prout erit expediens, quæ ipsimet nuntii pro eorum prudentia scient reperire. Non esset etiam malum, quod nuntii — habeant aliquas particularitates etiam in foro conscientiae, ut possent gratificare Regibus et Principibus. Utile præterea foret, si ii nuntii Apostolici secum portarent sub bulla aliquam Curiae reformationem, quam Regibus et Principibus presentarent. Hoc enim baculo adversarii nostri semper nos invadunt et percutiunt, quia dicunt multa in Romana Curia fieri, quæ egent magna reparatione, nec illa tamen corriguntur.

not blind to the danger, obstinately refused every such proposition;³¹ and thus it soon came to an open rupture. On the 31st of July, 1437, Sess. XXVI. the council summoned the Pope before its tribunal,³² whilst Eugenius, on his part, transferred the council to Ferrara,³³ and actually opened there a new synod on the 8th of Jan. 1438. The council renewed the sentence of suspension against him, on the 24th of Jan. 1438, Sess. XXXI.³⁴ At this session, too, some

Per hanc reformationem, etiam si usquequaque plena non foret, modo essent aliqua, eorum ora obstruerentur, qui continue lacerant et carpunt Romanae Curiae famam, — redderenturque tune Reges et Principes melius ædificati, et magis proni ad condescendendum petitionibus Domini nostri Papæ, etc.

³¹ After negotiations had already taken place between the Pope and the Greeks, there appeared, 1434, Greek ambassadors in Basil, who proposed to the council the following places of assembling (Sess. XIX. b. Mansi XXIX. p. 94), Calabria, Ancona, vel alia terra maritima, Bononia, Mediolanum, vel alia civitas in Italia: extra Italiam Buda in Hungaria, Vienna in Austria, et ad ultimum Sabaudia. The council resolved (p. 95) to send ambassadors to Constantinople, to influence the emperor, if possible, in favor of Basil, but otherwise to declare their readiness to choose amongst the places proposed. The patriarch of Constantinople made answer (*Raynald*, 1435, no. 8), that it was necessary, ut statuatur beatissimum Dominum Papam in meditata œcumenica Synodo interesse personaliter, et non repræsentative, electo et statuto loco congruente et commodo pro quiete dicti beatissimi Domini Eugenii et nostra. On this Sess. XXV. March 7, 1437, duplo major pars of the synod voted in favor of Basil, Avignon, or Savoy, and in the following manner (Mansi XXIX. p. 134), quod apud Imperatorem — et alias Græcos diligens et debita fieret instantia, — ut ex diversis bonis respectibus civitatem Basileensem acceptarent pro dicto œcumenico Concilio ibidem celebrando; quam si eos omnino recusare contigeret, extunc civitas Avinonensis locus esset — Concilii. — Si tamen illud in eadem celebrari non posset, extunc in Sabaudia Concilium celebraretur antedictum. The minority, with the papal legates at their head, passed another decree on the same day, in the name of the synod (see *Raynald*, 1437, no. 7), ut videlicet civitas Florentina aut Utinum in patria Forijulli ponenda in manu Concilii, seu quicunque aliis locus tutus in decreto (Sess. XIX. see above) comprehensus Summo Pontifici et Græcis accommodus pro œcumenico Concilio eligatur, which was at once confirmed by the Pope in a bull dated June 29 (see *Raynald*, 1437, no. 8). This stormy session is described in full by the eye-witness, Æneas Sylvius, in a letter first published by Mansi XXXI. p. 220.

³² Mansi XXIX. p. 137 seq. No charge was here brought against him but disobedience to the decrees of the council: Ille, qui prius haec exequi debuerat, quemque et Christi præcepta et canones sacrorum Conciliorum præ cæteris servare oportuerat, immo et cæteros ad horum observantiam efficaciter inducere, nulla unquam monitione, nulla exhortatione induci jam longo tempore potuit, ut aliquam mortuam emendationem Christo placentem, aut notissimorum abusuum correctionem in Ecclesia sancta Dei efficere satageret. Quin potius conspicit universus orbis, sub ejus regimine majora semper scandala gravioraque exoriri. Here follows a long catalogue of offences. Non autem solum in rerum spiritualium regimine hanc ipsam ruinam consideramus, sed et in gubernatione temporalium dominiorum s. Romanæ Ecclesiæ notorios defectus attendimus. — Quantus enim terras ipse Dominus, Eugenius alienaverit, quantæque ejus incuria et insolerti regimine deperditæ et occupatae sint, — notoria facta testari videntur. The Pope is therefore summoned to appear before the council within 60 days, and the cardinals, ut infra eundem terminum in hac civitate Basileensi compareant, saluti s. matris Ecclesiæ cum cæteris in Synodo congregatis consulturi et opportune provisuri, prout Spiritus Sanctus dictaverit.

³³ See *Harduin* IX. p. 698.

³⁴ Sess. XXVIII. on the 1st of Oct. 1437, he was convicted of contumacy (Mansi XXIX. p. 147). Sess. XXIX. on the 12th of Oct. the transferring of the council to Ferrara was declared void, and all prelates commanded to appear at

last attempts were made at reform by restricting the liberty of appeal to Rome,³⁵ and regulating the mode of appointment to vacant benefices.³⁶ From this time forward the whole attention of the Synod was absorbed in the controversy with the Pope.³⁷

It now became the interest of the temporal lords, to secure for their respective realms the advantages of the reform,³⁸ and at the same time

Basil. Sess. XXXI. followed the suspension (Mansi XXIX. p. 168): s. Synodus prædictum Eugenium P. IV. manifestum contumacem, et in aperta rebellione persistentein, ac notorie incorrigibiliterque Ecclesiæ Dei scandalizantem — ab omni administratione Papatus in spiritualibus et temporalibus suspendit. — Omnem autem ipsius Papatus administrationem — eadem s. Synodus ad seipsam decernit ac declarat esse devolutam.

³⁵ Sess. XXXI. deer. 1. de causis (Mansi XXIX. p. 159): Inoleverunt hactenus intolerabilium vexationum abusus pernulti, dum nimium frequenter a remotissimis etiam partibus ad Romanam Curiam, et interdum pro parvis et minutis rebus ac negotiis quamplurimi citari et evocari conueverunt, atque ita expensis et laboribus fatigari, ut nonnunquam commodius arbitrarentur juri suo cedere, aut vexationem suam gravi damno redimere, quam in tam longinquâ regione litium subire dispendia. Sic facile exitit calumniosis opprimere pauperes, sic beneficia ecclesiastica plerunque minus juste per litium anfractus obtenta sunt, dum justis possessoribus eorum, seu quibus illa de jure competebant, neque opes neque facultates ad illos sumptus sufficere poterant, quos longinqua profectio ad Romanam Curiam et litis agitatio in eadem deposcebant. The Synod therefore decrees, quod in partibus ultra quatuor diætas a Romana Curia distantibus omnes quæcumque causæ, exceptis majoribus in jure expresse enumeratis, et electionum Ecclesiarum cathedralium, et Monasteriorum, quas immediata subjectio ad sedem Apostolicam devolvit, apud illos judices in partibus, qui de jure aut consuetudine præscripta vel privilegio cognitionem habent, terminentur et finiantur. Et ne sub umbra appellationum, quæ nimium leviter, et nonnunquam frivole hactenus interponi visæ sunt, atque etiam in eadem instantia ad prorogationem litium sæpe multiplicari, materia foventis injustis vexationibus relinquatur; statuit eadem s. Synodus, quod si quis offensus eoram suo judice habere non possit justitiæ complementum, ad immediatum superiorem per appellationem recursum habeat: nec ad quemcunque, etiam ad Papam, omiso medio, neque a gravamine in quacunque instantia ante diffinitivam sententiam quomodolibet appelletur, nisi forsitan tale gravamen extiterit, quod in diffinitiva sententia reparari nequirit: quo casu, non alias, ad immediatum superiorem licet appellare. Si vero quispiam a sedis Apostolicæ immediate subjecto ad ipsam sede in duxerit appellandum, causa per rescriptum usque ad finem litis inclusive in partibus committatur: nisi forte propter defectum justitiæ, aut justum metum, etiam in partibus convicinis, — apud ipsam sedem foret merito retinenda.

³⁶ Deer. 1. de collationibus beneficiorum. The Pope is forbidden to grant any more gratias exspectativas, as well as reservationes particulares. Deer. 3. Qualificationes et ordo in conferendis beneficiis per Ordinarios. Each cathedral church shall have a theologus, the third part of all prebends be filled with graduates; only such shall be appointed to be priests in the cities, aut ad minus qui per tres annos in theologia, vel in altero jurium, seu magistri in artibus, qui in aliqua Universitate privilegiata studentes fuerint, et hujusmodi gradum adepti fuerint.

³⁷ An account of this controversy, partial to the Pope, is given by *Joannes de Polemar*, in a work written 1443 (see Mansi XXXI. p. 197 seq.), another equally partial to the council, by *Nicolaus de Tudesco*, Archiepisc. Panormitanus (known as a writer on the Canons under the name of Abbas or Panormitanus) l. c. p. 205 seq.

³⁸ Notwithstanding the fears of Johannes Nider, a Dominican, who was very active at the council, that little was to be expected from it. In his *Fornicarius* (or *De visionibus ac revelationibus* ed. v. d. Hardt Helmst. 1692. Svo. written A. D. 1437. Lib. I. c. 7. p. 96, he makes Piger ask with reference to the Council of Constance and the præsens Basileense Concilium, quod pene in omnium bullas

to prevent the threatened schism. Charles VI. of France, though not satisfied with the decrees of the council against the Pope, hastened to avail himself of them in the Pragmatic Sanction, passed at Bourges, July 7, 1438,³⁹ and rejected the Council of Ferrara. In Germany, the imperial throne being vacant, the electors exerted themselves to mediate between the two parties; and to further this object, on the day before the choice of Albrecht II., March 17, 1438, they declared the German church neutral.⁴⁰ At the same time, however, they took care to secure all the advantages of the reform at Basil, by the Instrumentum acceptationis,⁴¹ executed by the emperor and the realm on the 26th of March, 1439. The Council of Basil seems to have been led by this general approbation accorded to its measures, to over estimate its moral strength: every suggestion of the expediency of yielding in some measure was steadily repelled;⁴² the

rum suarum præferebat exordio reformationis titulum, utrum de totali reformatio-
natione Ecclesiæ in membris et capite aliquam spem habere possimus. The
Theologus answers: Non omnino frustra celebrata fuerunt duo ista Concilia.—
De totali autem, quam depingis, reformatio Ecclesiæ ad præsens et ad propinquæ
futura tempora nullam penitus spem habeo. Tum quia voluntas bona in subditis
deficit, tum quia illud Prælatorum malitia impedit, tum etiam, quia illud electis
Dei, qui persecutionibus malorum probantur, non expedit.

³⁹ Pragmatique Sanction or la Pragmatique de Bourges ed. *Pinson*, Paris. 1666. fol., in the Ordonnances des Rois de France de la troisième Race, vol. XIII. p. 267. and in M ünch's Sammlung aller ältern und neuern Konkordate. Th. I. S. 207 ff. cf. Histoire contenant l'origine de la Pragmatique Sanction,—comme elle a été observée, et les moyens dont les Papes se sont servis pour l'abolir, in the Traitez des Droits et Libertez de l'Eglise Gallicane. T. I. 1731. fol.

⁴⁰ See the protest in J o h . J o a c h . M üller's des heil. röm. Reichs teutscher Nation Reichstagstheatrum wie selbigen unter Keyser Friedrichs V. allerhöchsten Regierung gestanden (Jena 1713. fol.) Th. I. S. 30.

⁴¹ This Instrumentum acceptationis which had long lain in obscurity, was brought to light, and published by the Counsellor of State, Horix, at Mayence, in the Concordata Nat. Germ. integra. Francof. et Lips. 1763. 4to. with corrections in the Conc. Nat. Germ. integra variis additamentis illustrata (Francof. et Lips. 1771. 3 Tomi, 8vo. T. I. p. 38 seq. The best edition from the original in the Archives in Mayence, with the necessary explanations, is the Sanctio Pragmatica Germanorum illustrata ed. Christoph. Guil. Koch. Argentor. 1789. 4to. p. 93 seq. M ünch's Sammlung aller ältern u. neuern Konkordate. Th. I. S. 42 ff.

⁴² cf. *Æneas Sylvii* commentariorum de gestis Conc. Basileensis libb. II., written 1444, in favor of the council, comprehending the years 1438–1440: the accompanying Epist. ad Joannem de Segovia de coronatione Felicis is often counted as lib. III. Both may be found in the Fasiculus rerum expetendarum et fugiendarum p. 1 seq., and have been published separately also, Basil. 1577. 8vo. Cattopolii 1667. 4to. According to *Æneas Sylvius* the princes might have hindered the schism by working in concert, compare his remarkable letter to the imperial chancellor, Caspar Schlick, A. D. 1438, Ep. 54: Vidi quid Reges sribunt ex copiis literarum, nec despero rem posse bene conducei, si aggredi velimus negotium. Omnibus enim, ut vides, displicet schisma, omnes abhorrent. Viam autem so-
piendi hoc malum Carolus Rex Franciæ nisi fallor et tutam et brevem ostendit, ut fiat conventus Principum vel eorum oratorum in communi aliquo loco, ibique una recipiatur conclusio per omnes. — Hæc via non posset impediti: nec Papa, nec Concilium reniti possent, tanquam hoc absque ipsis fieri nequiret. Licet enim Principibus sacerdibus convenire invito Clero, et tamen illic unio fieri posset. Nam ille Papa indubitatus esset, cui omnes Principes obedirent. Non video Clericos, qui velint pro ista vel illa parte martyrium ferre. Omnes hanc fidem habemus, quam nostri principes: qui si colerent idola, et nos etiam coleremus. Et non

proceedings against Eugenius were continued, and at Sess. XXXIV. May 25, 1439, he was formally deposed,⁴³ and on the 17th of Nov. the commission appointed for the purpose, chose Amadeus VIII., duke of Savoy, to succeed him, under the title of Felix V.⁴⁴

This rash measure,⁴⁵ by which a new schism was occasioned in the church so shortly after the old one had been, with such pains, reconciled, proved the ruin of the council. Felix V. was scarce anywhere recognised. The council lost daily more and more of its importance, and from the 16th of May, 1443, when it held its 45th and last session, existed only in name.⁴⁶ Eugenius would have had little

solum Papam sed Christum etiam negaremus sacerdotali potestate urgente, quia refriguit caritas, et omnis interiit fides. Ut cunque sit, pacem desideramus, quæ sive per aliud Concilium, vel per conventum Principum detur, nihil pendo.

⁴³ Mansi XXIX. p. 179 seq., s. Synodus pro tribunali sedens per hanc suam sententiam diffinitivam — pronunciat, decernit et declarat, Gabrielem prius nominatum Eugenium P. IV. fuisse et esse notorium et manifestum contumacem, mandatis seu præceptis Ecclesiæ universalis inobedientem, et in aperta rebellione persistentem, violatorem assiduum atque contemptorem canonum synodalium, pacis et unitatis Ecclesiæ Dei perturbatorem notorium, universalis Ecclesiæ scandalizatorem notorium, simoniacum, perjurum, incorrigibilem, schismaticum, a fide devium, pertinacem hereticum, dilapidatorem juriuum et honorum Ecclesiæ. — Quem propterea eadem s. Synodus a Papatu et Romano Pontificio ipso jure privatum esse declarat, etc.

⁴⁴ cf. *Eneæ Sylvii* Commentar. (see note 42).

⁴⁵ That the proceedings at Basil were rash, and that the state of things there was not exactly what it might have been wished, is evident already from what is above narrated. Compare *Jo. de Polemar* (see note 37), in Mansi XXXI. p. 202: Nullibi pejus decreta Basilensium quam Basileæ servata sunt. Formula illa morum, in cibis, in vestibus, in familiaribus, in falleris (*phalebris*) equorum, in modo vivendi et procedendi, in deputationibus, in congregatiōne generali fuitne unquam servata? Qualiter supplications, et alia per deputationes expedita sint temere, immoderate, prout quilibet plus poterat aut clamores et impressiones, aut multitudinem votorum, non advertendo quid expediat, sed omnia passim concedendo, ea præscriptim quæ sedes Apostolica repulerat, — pudet referre. Mittunt utique nuncios cum facultatibus, quæ nec legis de latere per sedem Apostolicam tradi conuerterunt. Si Diabolus a Basileensibus aliquid peteret et contra fas et jus; dummodo illis vellet assentire, facillime impetraret. Offerunt et ipsi et Antipapa eorum Regibus, Principibus, et Prælatis privilegia, facultates, dignitates, ut illis adstant, etc.

⁴⁶ The position of the different nations is thus described by *Eneas Sylvius* descript. Germaniæ, c. 10: Gallia quidem, atque Hispania, Italia quoque, Hungaria et Anglia Eugenium sequebantur: Sabaudia, Suicenses, Basilienses, Argentinenses, ac ex Saxonia Caminenses, simulque de ducibus Bavariae Albertus Monaci Felici obediebant. Rex Aragonum et Siciliae Alphonsus, Polonique et Briton nec Eugenio nec Felici, sed Concilio Basilensium auscultabant. Reliqua Germania neutralitatem quandam induit. The state of the council by *Joannes de Polemar* (see note 37), A. D. 1443 (in Mansi XXXI. p. 206): Nulli Primates, Archiepiscopi, et Episcopi orbis Antipape adhæserunt, exceptis paucissimis illis de Pedemontium et Sabaudia, quos non veritas trahit, sed metus et subjectio compellit, ac illis tanti sceleris patratoribus Basileæ existentibus, quorum nomina opportunum est inserere, ut patet, qui et quales sint, qui Ecclesiam perturbant. Arelatensis Episcopus (Louis Allemand, archbishop of Arles and cardinal, president of the council), Gratianopolitanus Episcopus (of Grénoise), Basiliensis Ep., Ep. Aquensis, Marsiliensis sine possessione Episcopus, Lacusanensis sine possessione Ep. Argentinensis titulatus, Ep. Grossetanus titulatus. Fuerunt etiam duo Episcopi de Arragonia, quos D. Rex tenebat ibi, ut terreret S. D. N. ne esset sibi adversarius in regno Neapolitano. Fuerunt autem pauci

trouble in pulling down his rival, if he had not at the same time persisted in making war on the decrees of the council, which had been already adopted by the two most powerful realms of Christendom. The most decided supporters of these decrees being amongst the spiritual lords, it became his aim to win over if he could the temporal princes. In France he was obliged to content himself with an acknowledgment of allegiance from Charles VII., whilst the Pragmatic Sanction was retained.⁴⁷ In Germany, however, there was more to

quidam Abbates de diecesi Basiliensi, metu ibi manere compulsi; fuerunt quidam Monachi apostatae et fugitivi, et nonnulli vel notarii vel copistæ, et quidam alii vix in sacris constituti nullius aestimationis, qui quidem nec in diecesanis nec in provincialibus Conciliis de jure vel consuetudine admitterentur, qui Basileam ad hoc profecti fuerant, et ad hoc morabantur, ut effugerent superiorum suorum correctionem, vel ut alios litibus vexarent, vel ut scandalum aliquod perpetrarent, etc. Ever since 1437 many of the most influential bishops had deserted the council, which had given the preponderance to the inferior clergy. This was protested against by Nicolaus Panormitanus (compare note 37), A. D. 1439, in pleading for delay in the proceedings against the Pope (see *JEn. Syl. de Conc. Basil. lib. I. Cattop. 1667.* p. 36): Si Episcopi et Abbates computarentur, nemini dubium esse, quin major pars differri præsentem rem vellet. Cumque totius potestas Concilii in Episcopis resideret, haud ferendum esse, ut eis spretis, quod majori parti inferiorum placaret, id concluderetur. But the Cardinalis Arelatensis on the other hand referred to passages in Augustine and Jerome (l. c. p. 43): si, prout Hieronymo placet, Episcopi sunt sola consuetudine prælati Presbyteris, utique fieri potest, ut consuetudinem contraria tollat consuetudo: at si Presbyteri debent Ecclesiam Dei cum Episcopis in commune regere, satis notum est, quod ad eos quoque decidere res spectat Ecclesiæ dubias. — Si soli Episcopi vocem habeant, id demum fiet, quod nationi placebit Italicæ, qua sola nationes alias in numero Episcoporum aut superat aut æquat. Utcunque est, opus Dei hac vice fuisse autumo, ut inferiores ad decidendum reciperentur; revelavit enim ea nunc Dominus parvulis, quæ sapientibus abscondit. En horum inferiorum zelum, constantiam, rectitudinem, magnanimitatem videtis. Ubi nunc Concilium, si soli Episcopi, solique Cardinales vocem habuissent? Ubi nunc Conciliorum auctoritas? Ubi fides catholica? ubi Decreta? ubi reformatio? Nempe omnia libidini Eugenii ac temeritati iam diu communissa fuissent; victorque nefandissimi propositi sui ille fuisset, nisi quos modo spernitis inferiores sibi restitissent. Hi sunt, qui privationem ab Eugenio factam contempserunt: hi sunt, qui minas, qui spolia, qui persecutio-nes ipsius flocci fecerunt, etc. At a later period, A. D. 1452, *Eneas Sylvius* says in his *Oratio adv. Austriales* (in *Muratoriæ Anecdota*, T. II p. 162): Inter Episcopos, caterosque Patres conscriptos vidimus in Basilea coquos et stabularios orbis negotia judicantes. Quis horum dicta vel facta judicaverit legis habere vigorem? The composition of the council has always been one of the chief grounds with the Italians for denying its validity.

⁴⁷ Eugenius' opinion of the Pragmatic Sanction is expressed in a letter to the king, written on occasion of the choice of a bishop in Angers, according to the provisions of the Sanction, without regard to the Pope's claim to provide as heretofore (*Raynald. ann. 1439, no. 37*): Quod vero scribitur, ordinationes Bituris confectas (te) velle manutenere, a certo tenemus scriptum esse te inscio et invito. Nam cum pro tua sapientia dudum, cum illæ ordinationes fierent, consuluisse viros nonnullos timentes Deum, et bonos viros ac doctos, quid de illis sentirent, atque ii tibi respondissent, eas esse contra Deum, contra æquitatem injustas, et contra salutem animæ tuæ; mirandum esset — te velle eas ordinationes servare, quæ essent iniquæ et in animæ tuæ præjudicium factæ. A new synod was held in Bourges, and from the council, A. D. 1440, ambassadors attended from Eugene, and the former demanded that the Pragmatic Sanction should be annulled. They received from the king, after he had consulted with his bishops and other nobility, the following answer (*Preuves des libertez de l'église Gallicane. chap. 20, no. 23*): quod Rex tenuerat Concilium Basileense pro Concilio, ad ipsum Ambassia-

hope from the weakness of the new emperor, Frederick III. (from 1440), and the intestine divisions of the country. What efforts he made to secure the powerful princes may be seen in the privileges he granted the duke of Cleves (1444) to the prejudice of the archbishop of Cologne and the bishop of Münster, who were opposed to him.⁴⁸ Still, however, he overrated his influence in Germany when he ventured (A. D. 1445) to depose the archbishops of Triers and Cologne for their adherence to the Council of Basil; ⁴⁹ for a conven-

tores miserat; multa bona pro fide et moribus constituerat, quæ Rex approbat; nec unquam congregatum Ferrarensis pro Concilio habuerat aut habebat. Quoad depositionem Eugenii, et electionem Felicis, numquam eas adprobaverat, aut approbat: immo tenuerat Dominum Eugenium pro Papa, et adhuc tenebat, et volebat, quod sibi in suo Regno obediretur, nisi aliud in Concilio generali, celebrando juxta annum in aliquo loco Galliarum, fuisset ordinatum, et quod requirebat Papam, quatenus illuc mittetur dictum Concilium, et convocaret, et celebrari prouaret, et quod in eo personaliter interesset. — Quoad Pragmaticam Sanctionem, eam inviolabiliter volebat observari et custodiri. Et si aliqua videntur nimis rigida, in illo generali Concilio Basileensi possent moderari.

⁴⁸ See the remarkable bull directed to the bishop of Utrecht dd. 17 Kal. Febr. 1444, in *Leibnitii Mantissa Codicis Juris Gentium diplomatici*, P. II. p. 168: Pastoralis officii desuper nobis divina providentia commissi debitum postulat et requirit, ut contra nostrorum et Romanæ Ecclesiae rebellium temeritatem eorum, qui in nostra et sedis Apostolicæ obedientia devotione et fide firmi et immobiles permanerunt, statui et quieti animarumque saluti salubriter consulamus. Exhibita siquidem nobis pro parte dectorum filiorum, nobilium virorum, Adolphi Ducis Clyphensis, et Johannis ejus primogeniti, petitio continebat, quod cum tam sæculares quam ecclesiasticae personæ, neconon collegia — et alia loca ecclesiastica in suis dominiis et terris in Coloniensi et Monasterensi diocesi consistentia, pro eo quod Archiepiscopus Coloniensis nobis et Apostolicæ sedi inobediens et rebellis existit, et iniquitatis filius Henricus, qui se gerit pro Episcopo Monasterensi, damnationis filio Amedeo, olim Duci Sabaudie, qui se Felicem V. ausu sacrilego nominare præsumit, — adhærere præsumit, plurima in spiritualibus et temporalibus detimenta sustineant: — pro parte dectorum Ducis et primogeniti nobis fuit humiliiter supplicatum, ut eorum subditorum suorum statui et saluti provide re misericorditer dignaremur. Nos igitur — omnia et singula, personas, collegia, capitula, monasteria, Ecclesias et loca quælibet ecclesiastica, dominia, terras et loca supradicta, donec aliud super hoc duxerimus disponendum, ab omni jurisdictione, potestate, et superioritate spirituali Coloniensis Archiepiscopi et Episcopi Monasterensis eximentes et liberantes, Fraternitati tuae unum Episcopum, etiam titularem, — qui in dictis dominiis, — Clericos ordinare, — omnemque spirituali jurisdictionem, quæ Archiepiscopi Colonienses et Episcopi Monasterenses pro tempore inibi habere et exercere consueverunt, — exercere valeat, neconon contra omnes et singulas personas, — quæ schismatis labe infecta essent, aut præfato Amedeo quomodolibet adhærerent seu faverent, — inquire et procedere — possit, — deputandi, et illum amovendi, aliumque sui loco ponendi, quotiens pro parte dectorum Dueis et primogeniti fueris requisitus, auctoritate præfata, tenore præsentium, concedimus facultatem. Volentes similiter et tibi eisdem auctoritate et tenore concedentes, ut omnia et singula dignitates, personatus, — monasteria, — cæteraque beneficia ecclesiastica quæcumque in dictis dominis — nunc vacantia et imposterum — vacatura, — quæ in turno sive mense Ordinariorum vacare contigerit, dummodo non sint sedi Apostolicæ reservata, personis idoneis per ipsos Dueem et primogenitum tibi nominandis — conferre et de illis providere — libere et lieite valeas. Hence the proverb: *Dux Clivie est Papa in suis terris*, see *Wern. Teschenmacheri annales Clivie, Julieæ, Montium et Marœ Westphalieæ ed. J. Chr. Dithmar.* Franc. et Lips. 1729. fol. p. 294.

⁴⁹ See the Breve to the bishop of Utrecht dd. 9 Febr. 1446 (in *Raynald*, ad h. a. no. 1): Nuper iniquitatis filios Theodoricum de Mörsem, olim Coloniensem, et Jacobum Sirik, olim Treverensem, Archiepiscopos, tamquam hæreticos et schismaticos, nostrosque et Romanæ Ecclesiae rebelles ex justis et urgentibus causis

tion of the electors was held at Frankfurt on the Maine (March 21, 1446), at which it was resolved to demand at once from the Pope what they deemed their rights.⁵⁰ The emperor, however, who viewed with some jealousy such a combination amongst the electors, was able, by the arts of his private secretary, *Æneas Sylvius*, to induce most of them to consent to considerable modifications of their demands;⁵¹

omni dignitate archiepiscopali — privavimus, — ac privatos fore declaramus: et deinde ad provisionem earumdem Ecclesiarum — paternis et solicitis studiis intendentes, Coloniensi Ecclesiae de persona dilecti filii Adolphi Clivensis duximus providendum, ad Ecclesiam vero Treverensem ven. fratrem nostrum Joannem tunc Cameracensem Episcopum de fratribus consilio auctoritate Apostolica transtulimus.

⁵⁰ The document of this union see in Müller's *Reichstagstheatrum*, Th. I., S. 278, and from the original in *Gudeni Codex diplomaticus Anecdotorum*, T. IV. p. 290 seq. *Æneas Sylvii hist. Friderici III. Imp.* (in *A. F. Kollarrii Analecta Monumentorum omnis ævi Vindobonensia*, T. II. p. 120 seq.): Eugenius cum accepisset, Theodericum Colonensem, et Jacobum Treverensem Archiepiscopos et Electores Imperii Felicis fovere partes, nutrire neutralitatem, adversari Romanæ sedi, ambos depositus, et archiepiscopali dignitate privavit, quæ res illi magno impedimento fuit. Nam bene nati præsules et amicis fulti, quamvis jure, non tamen facto Ecclesias dimittebant, et acrius Eugenii partes impugnabant. Horum igitur opera conventus apud Francfordiam inter Principes habitus est, in quo decretum est, nisi Eugenius depositionem Archiepiscoporum annullaret, decretum Constantiensis Concilii acceptaret atque profiteretur, Germanicæ nationi oportune securaque et stabiliter provideretur; omnis natio ab Eugenio deficeret, Felicemque sequeretur. Hoc autem secrete inter se statuerunt, silentiumque jurejurando indixerunt, mittentesque ad Cæsarem Legatos, ea lege aperire jusserunt mandata Cæsari, ut non amplius quam sibi et sex consiliariis patefacerent. Erat autem mens eorum Legatos eosdem ad Eugenium mittere, qui hæc peterent, orabantque Cæsarem, ut amplecteretur eorum viam, atque cum his mitteret. — Legatis Principum dixit Cæsar, non placere sibi depositionem Archiepiscoporum, neque surrogatos eis Gallicos, bene facere Principes, qui eorum indemnitatæ et nationis utilitati consulerent, velle se ad hæc concurrere et mittere ad Eugenium cum eis: illud autem indignum esse, quod se Papæ judices constituerint, cum dicarent, nisi sperata fecerit, ab eo se defecturos, quasi non Papam et Papam esse in eorum arbitrio resideret. The ambassadors of the Electors, of whom Gregory of Heimburg was the most important, set off directly for Rome, preceded by *Æneas Sylvius* as imperial ambassador. Cæsar vocato *Ænea Senensi* secretario suo, secreta Principum ei aperuit, jussitque Papam accedere, ac viam pacis ei suadere, pericula expondere et mentem Principum, orare, ut Electores suos restitueret: Cæsarem sibi in omni re auxilio futurum. *Æneas*, in a private audience, informed the Pope, in name of the emperor: Videri necessarium Archiepiscopos restitui, non autem cassari privationem. Tum nationi oportune provideri. Deinde decretum *Frequens* Constantiensis Concilii (see § 130, note 15) recipiendum esse. Ea si Eugenius faceret, futurum, ut tota natio et neutralitatem deponeret, et ad Eugenii rediret obedientiam. Sin autem, quamvis Cæsar nunquam Eugenium deserturus esset, tamen Electores mala esse mente multa machinaturos mala, timendumque grande schisma. The Pope adopted these suggestions, and told the ambassadors of the Electors, quia mandatum non haberent tractandi et concludendi que oportaret, missurum Eugenium ad conventum Electorum, responsurumque petitionibus eorum pro dignitate Romanæ sedis. This took place in Frankfurt.

⁵¹ *Æneas Sylvius*, l. c. p. 125: Omnis Cæsaris cura in eam diætam collata erat. Nam sex Electores obligati simul adversus Eugenium videbantur Cæsarem spernere, itaque summum Cæsari studium erat, fœdus Electorum solvere, et aliquem ad se trahere, ut Eugenio et sibi consuleret. Contra enim omnes Electores nihil audebat agere, neque adversari Eugenio volebat. Itaque neque solus Eugenium sequi audebat, neque cum Electoribus illi adversari volebat. — Eam ob causam legatis suis (of whom *Æneas* was one) id mandati Cæsar dederat, ut fœdus Electorum omnino rumpere tentarent, et aliquos Electores ad se trahere

and an embassy was despatched to Rome commissioned to acknowledge the authority of Pope Eugenius, on his acceding to these conditions.⁵² Even these demands were resisted by a part of the cardinals,⁵³ and Eugenius, whilst he appeared to grant them in the four

studerent: quod si duos ex eis habere possent, declarationem pro Eugenio faccent, sin autem, declarationem omitterent. At first the legates of the council seemed to have the advantage, the ambassadors of the electors gave an unfavorable account of their success at Rome. Exinde legati Cæsaris summo studio conati sunt Maguntinum Archiepiscopum ex fœdere cæterorum Electorum abducere, sic enim et Federicum, Marchionem Brandenburgensem, ab illis extraxisse putabant, qui fidem Archiepiscopi secutus fœdus intrarat. Multa in eam rem praticata sunt. Johannes de Lisura fœderis et auctor et defensor Maguntinum in sententia tenebat. Cumque res diu inutiliter tractaretur, ad pecuniam tandem recurrere oportet, cui raræ obaudient aures. Hæc Domina curiarum est, hæc aures omnium aperit, huic omnia servient. Hæc quoque Maguntinum expugnavit. Non quod sibi quicquam promissum fuerit, sed inter quatuor ejus Consiliarios duo millia florinorum rhrenensium erogata sunt, quæ bono animo Cæsar solvit, ne se spreto Electores ad partem Concilii Felicis declineant, quam summam Nicolaus postea per Aeneam Federico remisit. Hi ergo Consiliarii non veritatis amore sed auri dulcedine pellecti Archiepiscopum Maguntinum ad voluntatem Cæsaris inclinabant. Sed nolebat Pontifex ille juratum fœdus abrumpere sine causa justa, quæ rebatque modos honestiores. Cumque legati Cæsaris non possent menti ejus satisfacere, Aeneas modum commentus est, qui receptis notulis, secundum quas se Principes obligaverant, nisi Eugenius illas admitteret, velle se eum deserere, omne venenum ex his ademit, novasque notulas compositus (this new agreement, or modification of the union mentioned in note 50, has been printed with the title Concordata Principum Francofurtiensia, in *Würdtwein* Subsidia diplom. T. IX. p. 70), per quas et Archiepiscopi depositi restituerentur (though without acknowledging the validity of their deposition) et nationi oportune provideretur (but with the condition prescribed by the Pope, that the nation should make up to the Pope what they deprived him of), et auctoritas conciliorum salvaretur (though at the same time condemning the Council of Basil, by making no provision for a settlement of the différences between it and the Pope): illasque dixit sua opinione Eugenio non negaturum. — Eas igitur Maguntino ostenderunt, dicentes iniquum esse ab Eugenio discedere, qui notulas illas concessurus esset honestatis et justitiae plenas. Tunc Maguntinus bona fide se dixit intrasse fœdus, sibi dictum fuisse, nihil Electores ab Eugenio velle, quod non esset honestum; at si jam his non contentarentur, ab honestate recederent. Placere igitur sibi, ut notulae in publico legerentur, quererenturque vota multitudinis. The Electors of Mayence and Brandenburg; the High-master of the Teutonic Order, Prussia, the archbishop of Magdeburg, and several other German princes subscribed this before the public consultation. Cumque ventum esset in concionem, major pars notulas approbavit: Treverensis et Coloniensis et Dux Saxoniae adversi fuerunt, Palatinus dubius mansit. Sic territi tres Electores nihil concludere ausi sunt. At legati Cæsaris cum Maguntino, Brandenburgensi et aliis novum fœdus fecerunt, statueruntque in futuro nativitatibus Dominicæ festo ad Eugenium mittere, atque ab eo petere, uti notulas approbaret: quod si faceret, mox nomine nationis obedientia sibi præstaretur; sin autem, rursus in deliberationem res adduceretur.

⁵² See the speech of Aeneas to the emperor Frederick, in which he gives an account of this embassy, the death of Eugene, and the coronation of Nicolas V., in *Baluzii Miscellan. lib. VII. p. 525 seq.*

⁵³ *Aeneæ Sylvii hist. Friderici III. in Kollar II. p. 129*: Collegium Cardinalium divisum erat, videbaturque magna pars adversari his, quæ Francordiaæ conclusa erant, atque hi erant maxime Theologi, qui omnia graviora faciunt: ob quam rem Ludovicus Aquileiensis et Johannes Morinensis Cardinales suadent Eugenio, si velit Ecclesiæ pacem habere, novos ut Cardinales assumat, qui resistere contradicentibus possint. Sic suasus Eugenius quatuor Cardinales creavit. The cardinals who objected said (see the *Oratio Aeneæ* just cited, *Baluz. VII. p. 533*), venditam esse Teutonicis Apostolicam sedem, seque quasi bubalos duci naribus. — Further, p. 535: Grave videbatur Cardinalibus annatas remittere, collationes

bulls which he enacted,⁵⁴ reserved to himself and his successors in a

beneficiorum amittere, Concilium convocare, decreta recipere, privatos restituere: ajebantque, non solum in natione Germanica id esse nocivum, sed alias exinde nations recessuras et Apostolicam sedem perditum iri, nec bene consultum esse caeteris Ecclesiis, quando Romana, quæ est caput omnium, langueret; conducere Christianæ religioni Romanum Pontificem fore potentem, ut tueri alios Prælatos queat, inter Principes pacem constituere, infidelibus resistere, hæreses extirpare: nunquam tot hæreses in Christiana religione fuisse, quot fuerunt ante Sylvestrum, quia paupertas Romani Pontificis neglectum fuit.

⁵⁴ These four bulls are given for the most part in *Raynald*, ad ann. 1447, no. 4 seq., complete in Müller's *Reichstagstheatrum*, S. 347 ff., partly from the original in *Koch Sanctio Pragm.* p. 181 seq. Münch's *Concordate*, Th. I, S. 77 ff. — I. *Ad ea ex debito* dd. 5 Febr. directed to the emperor, the electors of Mayence and Brandenburg, relating to the council which was desired propter Ecclesiæ necessitates: Nos, etsi absque convocatione novi Concilii alia via rebus Ecclesiæ melius consuli posse arbitremur, cupientes tamen vobis et nationi vestræ, quam singulari semper affectione Apostolica sedes proseeuta est, quantum cum Deo possumus, complacere, contentam apud Reges et Principes Christianos curam et diligentiam adhibere fideliter, ut ad votum vestrum trahi valeant et conducei, ita quod in uno ex quinque locis consentiant generale Concilium convocari: quod infra decem (menses) a die dato præsentium computandos intendimus experiri, et si consensus hujusmodi haberit poterit, in fine dictorum X. mensium generale Concilium ad decimum octavum immediate sequentes initandum in uno ex prænominatis locis, in nomine Domini convocabinus. If the other kings should not consent to this place of meeting, the council should be summoned in alio loco rebus gerendis accommodo. *Concilium autem generale Constantiense, Decretum Frequens, ac alia ejus decreta, sicut cætera alia Concilia, catholicam militantem Ecclesiam representantia, ipsorum potestatem, auctoritatem, honorem et eminentiam, sicuti et cæteri antecessores nostri, a quorum vestigiis deviare nequaquam intendimus, suspicimus, amplectimur et veneramur.* — II. *Ad tranquillitatem* dd. 5 Febr. After a reference to this confirmation of the decrees of the Council of Constance: Super aliis autem decretis Basileæ editis, et per claræ memoriæ quandam Albertum Romanorum Règem acceptatis, ex quorum observantia natio ipsa Alamanica ex pluribus gravaminibus dicitur relevari, contenti sumus, volumus et decernimus, quod omnia et singula vigore decretorum hujusmodi cum suis modificationibus acceptatorum — usque in præsentem diem quomodo libet gesta vel acta sunt, cum omnibus inde securis rata, firma et inviolabilia persistant. — Super observatione vero et modificatione decretorum eorundem cum nonnulli Prælati nationis præfatae ex eisdem decretis gravatos se fore, nobis conquesti sint, cumque in illis Apostolicæ sedi, quæ multum in suis juribus ex ipsis decretis gravata dinoscitur, recompensatio promissa sit, decrevimus Legatum nostrum cum sufficienti potestate ad partes Germaniae transmittere, qui medianibus Rege, Archiepiscopo et Marchione præfatis, ac aliis ejusdem nationis Principibus et Prælatis, cum quibus fuerit opus, super observantia et modificatione decretorum hujusmodi, necnon super provisione Apostolicæ sedi faciendis tractare valeat, et finaliter concordare. Permittentes interim, — quod omnes et singuli — in præfata natione decretis hujusmodi — libere et licite uti possint, — donec per Legatum, ut prædictum est, concordatum fuerit, vel per Concilium — alter fuerit ordinatum. — III. *Ad ea quæ ad reductionem* dd. 5 Febr. At the request of the king of Rome, and other prelates and princes, and to do them a pleasure, promittimus, — quod, quando ipsi olim Treverensis et Coloniensis Archiepiscopi ad gremium nostrum et Ecclesiæ venientes — nobis plenam et debitam obedientiam præbuerint, ac pro vero Jesu Christi vicario recognoverint, ipsos ad prædictas Ecclesiæ absque ulla exceptione aut oppositione restituemus, ac in pristinum statum reponemus. IV. *Inter cætera desideria* dd. 7 Febr. omnes et singulas — electiones, — provisions et dispositiones, necnon processus, — sententias aliaque acta judicaria auctoritate ordinaria hujusmodi suspensionis et neutralitatis tempore factas seu facta — grata et rata habentes auctoritate Apostolica ex certa scientia confirmamus. — Ac illis, qui pallium dictorum, qui Basileæ post nostram translationem sub nomine generalis Concilii remanserunt, auctoritate receperunt, ut illo uti possint, præsentibus concedimus et indulgemus: illis autem, qui non habent, sine difficultate dabimus et

fifth, the power of recalling what they pleased.⁵⁵ Still the embassy took the oath of allegiance to him on his death-bed, Feb. 7, 1447,⁵⁶ and the neutrality of Germany was at end.

§ 132.

NICOLAS V. (6 March, 1447 to 24 March, 1455), **CALIXTUS III.** (8 April, 1455 to 6 Aug. 1458), **PIUS II.** (19 Aug. 1458 to 15 Aug. 1464), **PAUL II.** (30 Aug. 1464 to 26 July, 1471).

The well known cunning and perseverance of the court of Rome were now put in requisition to regain what had been lost by the Council of Basil. Nicolas V., immediately after his accession, expressed himself with great liberality to the German ambassadors,¹ and con-

etiam libere concedemus. — Præterea omnia et singula, quæ dictis suspensione et protestatione durantibus in præjudicium, — vel læsionem — Metropolitanorum, — necnon aliorum Episcoporum, Prælatorum, Collegiorum, personarum, seu rerum quarumcunque contra fœdus protestationis et suspensionis hujusmodi quomodocunque vergentia, Apostolica vel alia quavis auctoritate concessa, — insuper ecclesiasticas censuras, multetas et poenas — promulgatas — cassamus. — Nec non illis, qui contra ipsos impetratis, concessis vel obtentis — quomodolibet niterentur, etiamsi eis — jus quæsumum foret ex certa scientia de potestatis plenitudine, perpetuum silentium imponentes: insuper quascunque obligationes super annatis seu communib[us] et minutis servitiis — usque in præsentem diem renittimus. — Insuper omnes et singulas præfatae nationis — personas, — qui post dissolutionem sive translationem præfati Concilii per nos factam congregationem Basiliensem sub nomine generalis Concilii adhæserunt, — qui jam ad nostram obedientiam sunt reversi, vel infra sex menses post declarationem pro nobis factam redierint, — ab omnibus et singulis juramentis, perjurii reatu, ac alijs censuris et penis, si qui tenerentur, — absolvimus et liberamus. — Ut autem præmissa eo firmius observentur, pro nobis et successoribus nostris Romanis Pontificibus de Venn, fratrum nostrorum S. R. E. Cardinalium consilio et assensu pollicemur omnia et singula supradicta inviolabiliter observare, et contra ea — nullo unquam tempore quicquam innovare: et quod nobis licere non patimur, eisdem successoribus indicamus, decernentes ex nunc irritum et inane, si secus super his a quoquam quavis, etiam Apostolica auctoritate — contigerit attentari.

⁵⁵ The bull *Decet* dd. 5 Febr. in *Raynald*, ann. 1447, no. 7, and Müller, S. 352: Cum carissimus in Christo filius Fridericus Rex Romanorum illustris, ac ven. frater noster Archiepiscopus Maguntinus, et dil. filius Fridericus Marchio Brandenburgensis, S. I. Electores, nonnullique alii nationis Germanica Prælati et Principes quædam petiverint a nobis fieri, quæ necessitas ipsa et Ecclesiæ utilitas, ut eos ad nostram et s. Romana Ecclesiæ unitatem et obedientiam alliciamus, nos concedere quodammodo compellit: nos ad vitandum omne scandalum et periculum, quod exinde sequi posset, nolentes aliquid dicere, aut confirmare vel concedere, quod esset contra ss. Patrum doctrinam, vel quod vergeret in præjudicium hujus s. Apostolica sedis, quoniam propter imminentem nobis ægritudinem non valemus omnia per eos petita et per nos concessa cum ea integritate judicii et consilii examinare et ponderare, quæ rerum magnitudo et gravitas requirit; tenore præsentium protestamur, quod per quæcumque a nobis dictis Regi, Archiepiscopo — ac nationi responsa et respondenda, concessa et concedenda non intendimus in aliquo derogare doctrinæ ss. Patrum, aut præfatae sedis privilegiis et auctoritatibus, habentes pro non responsis et non concessis, quæcumque talia a nobis contigerit emanare.

⁵⁶ See the account of Æneas Sylvius (note 52) in *Baluz*. VII. p. 537 seq.

¹ He said to them (see the speech of Æneas, cited in § 131, note 52, in *Baluzii Misc.* VII. p. 555): Ego quæ cum natione Germanica meus antecessor fecit non

firmed the bulls of his predecessor,² but he soon succeeded in the so called Concordat of Aschaffenburg, though really of Vienna (17th of February, 1448),³ introduced through the connivance of the emperor and the help of *Aeneas Sylvius*, in reestablishing the so pernicious articles of the Concordat of Constance, under the pretext of securing the stipulated *provision*.⁴ The more powerful princes were won over by favors,⁵ the others had to follow.

solum approbare confirmareque volo, sed exequi et manutenerem omnia. Nimis, ut mihi videtur, Romani Pontifices finibrias suas extenderunt, qui nihil jurisdictionis cæteris Episcopis reliquerunt. Nimis quoque Basilienses Apostolicæ sedis manus abbreviaverunt. Sed ita evenit: qui facit indigna, ut injusta ferat oportet. Arborum, quae in unam partem pependit, qui volunt erigere, in partem adversam trahunt. Nobis sententia est, in partem sollicitudinis qui vocati sunt Episcopos suo jure minime spoliare. Sic enim jurisdictionem nostram nos denique servaturos speramus, si non usurpaverimus aliena.

² See the document in *Koch Sanctio Pragm.* p. 197 seq.

³ See the history of these concordats in *Koch*, p. 36 seq. At the Diet of Aschaffenburg in July, 1447, it was resolved for the next Diet to be held at Nuremberg: Item concludetur ibi provisio Sanctissimo Domino nostro et sedi Apostolicæ, si tempore medio cum legato non fuerit concordatum. This provisio had been promised to the Pope by the Council of Basil, in consideration of what had been taken from him (see § 131, note 30), and had been stipulated for by Eugenius IV. in the bull *Ad tranquillitatem* (see § 131, note 54). In the mean time the emperor accepted the concordat at Vienna (see *Koch*, p. 211, note 3), through *Aeneas Sylvius*, who negotiated the matter with the Cardinal Johannes de Carvajal.

⁴ Amongst the numerous editions the most important are those taken from originals, namely, from the archives of Mayence in *Würdwein Subsid. dipl.* IX. p. 78 seq., from the imperial archives in Vienna, in *Koch Sanct. Pragm.* p. 201 seq., and from those of the Electors of Cologne, in *Hedderich elementa juris canonici.* P. IV. p. 145 seq. See *Münch's Concordat*, Th. I, S. 88 ff. The Vienna Concordat has only the two sections of the Concordat of Constance (see § 130, note 19). Cap. II. De provisione Ecclesiarum, and Cap. III. De Annatis, for the most part word for word. The most important change is that instead of alternating in the appointments to the inferior benefices, an alternatio mensium is substituted: De cæteris dignitatibus et beneficiis quibuscunque, sacerdotalibus et regularibus vacaturis, ultra reservations jam dictas, majoribus dignitatibus post pontificales in cathedralibus, et principalibus in collegiatis, exceptis, *de quibus* jure ordinario provideatur per illos inferiores, ad quos alias pertinet, idem sanctissimus Dominus noster per quamcunque aliam reservationem — non impedit, quo minus de illis, cum vacabunt de mensibus Februarii, Aprilis, Junii, Augusti, Octobris et Decembris, libere disponatur per illos, ad quos collatio, — aut alia quævis dispositio pertinebit. — Quotiens vero aliquo vacante beneficio de mensibus Januarii, Martii, Maji, Julii, Septembri et Novembri, specialiter dispositioni Apostolicæ sedis reservatis, non apparuerit infra tres menses a die notæ vacationis in loco beneficii, quod alicui de illo Apostolica auctoritate fuerit provisum, ex tunc et non antea Ordinarius, vel alias, ad quem illius dispositio pertinebit, de illo libere disponat. In the bull of confirmation dd. 19 Mart. in which the whole concordat is word for word repeated, there is the remarkable variation that in the first of the above clauses, the words *de quibus* are left out. It therefore reads (*Koch*, p. 240): De cæteris dignitatibus, — majoribus dignitatibus — exceptis, jure ordinario provideatur, etc. On which is grounded the assertion made as early as 1457 in *Aeneas Sylvius* epist. 383, ad Mart. Mayerum in the very face of the true text: Concordata ipsa dignitates primas post pontificales et in collegiatis Ecclesiis principales Apostolicæ sedis dispositioni permittunt (so also in his *Germania*, c. 12 and c. 21): and this explanation was admitted universally till the canonist Neller of Triers, 1757, showed its incorrectness; see the observations in *Koch Sanct. Pragm.* p. 223 and 240. Still this error has not yet ceased to exert an influence.

⁵ On the elector of Brandenburg was bestowed the right of appointing the bish-

Thus were the most important fruits of the Council of Basil and the Acceptation of Mayence entirely lost.⁶ Felix V., and the feeble re-

ops of Brandenburg, Lebus, and Havelburg; see the document dated September, 1447, in *Gercken Cod. diplom. Brandeb.* T. VII. p. 361. The ecclesiastical electors received the Indultum of filling all places that might fall vacant in the papal months (*Koch*, p. 42), so also the archbishop of Salzburg (see *Nachrichten von Juvavia*, S. 280). The elector Dietrich of Cologne, was the only one who could not be gained over; but it was not long after his death before the concordat was published in his diocese also, A. D. 1461; see *Hedderich elementa juris canonici*. P. IV. p. 145.

⁶ *Jacobus de Paradiso* (a Carthusian and doctor of theology in Erfurt) de septem statibus Eccl. in *Brown Appendix ad fasce. rerum expetend. et fugiendarum*, p. 111: Gaudet quidem nostris temporibus, scil. nunc de anno Domini 1449 Ecclesia de unico et indubitate pastore, scil. Nicolaio P. V.; sed luget de conculatione decretorum in transactis Conciliis edictorum, et videt quomodo contraria decretis practicantur. — At the close of the Concordat of Vienna we read: In aliis autem, quæ per felicis recordationis Dominum Eugenium Papam quartum pro natione præfata usque ad tempus futuri generalis Concilii permitta, concessa, indulta atque decreta, et per memoratum sanctissimum Dominum nostrum Papam Nicolaum confirmata fuere, in quantum illa concordia præsenti non obviant, ista vice nihil extitit immutatum. According to this, those decrees of the Council of Basil which were accepted at Mayence (see § 131, note 41), and which had been confirmed by Eugenius IV. (by the bull *Ad tranquillitatem*, § 131, note 54), and by Nicolas V. (see note 2), were to remain valid, except in so far as they might be replaced by others in this concordat. This too was the tenor of the bull corresponding with the bull *Ad tranquillitatem*: according to which the concordats still to be issued were only to be concerning the modification of some of those decrees, and the reparation to be made the Pope. Gradually, however, the Acceptation of Mayence was forgotten, and the Concordat of Vienna looked upon as the only result of the Council of Basil in Germany. In this light it seems to be viewed, 1457, by *Eneas Sylvius* epist. 383, ad Mart. Mayerum: Verum cum dicis, decreta Basiliensis Concilii non custodiri, idque putas injuriosum esse nationi, indignam dicimus esse querelam tuam. Propter decreta enim Basiliensis Concilii inter sedem Apostolicam et nationem vestram dissidium cœpit, cum vos illa prorsus tenenda diceretis, Apostolica vero sedes omnia rejiceret. Itaque fuit denique compositio facta, in qua nos imperatorio nomine interfuiimus. Ea certam legem dedit, deinde inviolabiliter observandam, per quam aliqua ex decretis Concilii prædicti recepta videntur, aliqua rejecta. So too in his *Germania*, c. 11.: Postremo eo modo concordia: locus fuit, ut sententia quorundam decretorum Basiliensis Concilii recipetur, reliqua vero ejus statuta rejecta viderentur. It was shown, however, by Leibnitz *Cod. jur. Gentium* P. I. p. 396, anteriora concordata et concessa, qualia in decretis Constantiensis et Basileensis Concilii et Eugenii approbatione continentur, hie confirmari, adeoque male vulgo negligi. After the Acceptation of Mayence had been brought to light by Horix (see § 131, note 41), the true relation of these documents was established, and acknowledged by the canonist Neller in Triers, Endres and Gregel in Würzburg, Jung in Heidelberg, Roth in Mayence, and Hedderich in Bonn, especially during the controversies concerning the authority of the papal Nuntios, see especially *Jo. Phil. Gregel* diss. de juribus nationi Germanicae ex acceptatione Decretorum Basileensium quæsitis, per Concordata Aschaffenburgenia inodificatis aut stabilitis. Mogunt. 1787. 4to. (reprinted in *P. A. Gratz Continuatio thesauri juris eccl. ab A. Schmidt adornati*, vol. I. Mogunt. 1829. Svo. p. 41 seq.). On the other hand, Spittler (Gesch. der Fundamentalgesetze der deutschkathol. Kirche im Verhältnisse zum röm. Stuhle, in d. Götting. histor. Magazin, Bd. 1, St. 2, S. 347, St. 3, S. 474, Bd. 4, St. 1, S. 151) attempted to show that the decrees of Basil were really abrogated by the Concordat of Aschaffenburg. See, on the other hand, *Koch Sanct. Pragm.* p. 47 seq. Ueber die Fundamentalgesetze der deutschkathol. Kirche im Verh. zum röni. Stuhle, ein Nachtrag zur Spittler'schen Geschichte. Frankf. u. Leipz. 1790 (in which Spittler's essays on the subject are given in full and answered).

mains of the Council of Basil, removed in 1448 to Lausanne,⁷ had likewise to submit; the former resigning, the latter being finally dissolved (1449).⁸ The hopes of the Pope of reviving the old order of things in Germany were raised still higher by the weakness of the emperor Frederick III., who, in his transport at the long desired coronation at Rome, 1452, proposed a new crusade to the Holy Land instead of the stipulated council.⁹ The fall of Constantinople soon after (May 29, 1453), seemed to call in earnest for a crusade, and the Pope proceeded at once to proclaim one, and imposed a tithe on the churches for its support.¹⁰ But the papal power had sunk too low in popular estimation to act upon public opinion as in former times, and by the excitement of religious enthusiasm get free at once from their political embarrassments. The preparations for a crusade went no farther than fruitless consultations and empty promises, and the only advantage the popes derived therefrom was the revival under a plausible pretext, of many of the old modes of extorting money which had been abolished by the reform. For this very reason, however, the majority amongst the Germans, who felt themselves deceived and cheated by the Pope and the emperor, looked on all these preparations for a crusade only as a new means of satisfying the rapacity of the pontiff;¹¹ so that when Calixtus III., immediately

⁷ After the imperial safe conduct had been announced to them, A. D. 1447, and the city of Basle compelled by three successive orders to remove the council from their precincts, see Müller's *Gesch. schweizerischer Eidgenossen*, Th. 4 (neue Aufl. Leipz. 1826), S. 262 ff.

⁸ See the *Acta in Raynald*, 1449, no. 3 seq. Müller's *Reichstagstheatrum*, Th. I, S. 366 ff.

⁹ See the speech of Æneas, delivered in the presence and by authority of the emperor, in *Æneæ Sylvii hist. Frid. III. in Kollarii Analecta Monum.* T. II. p. 307, and especially the passage p. 317: *Alius fortasse vel generale Concilium, vel reformationis decreta petivisset. Sed quod majus haberi Concilium potest, quam Tuæ Sanctitatis Tuique Sancti Senatus præsentia? Frustra Concilium petit, qui Romanii Pontificis mandata non recipit. Ubi Tua Sanctitas est, ibi Concilium, ibi Reges, ibi mores, ibi decreta, salubrisque reformatio. Cæsari susceptis imperiis infulis, Tuaque sacra manu coronato nihil hoc tempore visum est antiquius, quam de Passagio Tecum agere.* The answer of the Pope shows that he knew his man: *Ecclesiæ numquam Imperio sacro tam grata esse posse, quam debeat: expeditionem, de qua loquutus esset Æneas, laudandum opus, dignumque Cæsare, multam præ se ferre pietatem: — consulendos tamen esse cæteros Christianæ religionis Principes, eorumque auxilia in tantum opus quærenda: quos si benivolentes invenerit, relatarum se Cæsari, atque tam sanctum negotium summo conatu aggressurum.*

¹⁰ The bull dated September 30, 1453, in *Raynald*, ad h. a. no. 9. e. g. *Inprimis universos Principes Christianos — hortamur, requirimus et mandamus in vim professionis factæ in sacri susceptione baptismatis, ac in vim juramenti præstiti, cum dignitatibus suarum infulas suscepimus, ut ad defensionem Christianæ religionis et fidei cum bonis et personis suis pro sua possibilitate verisimiliter et indesinenter assistant, æterna præmia recepturi ab illo, cuius causam egere, et in præsenti vita pariter et in futura. Quod impræsentiarum credimus cuilibet esse de necessitate salutis, cum talis sit necessitatis articulus, a qua se nullus legitime valeat excusare, etc.*

¹¹ Of these preparations and their influence on the Germans, see *Pii II. Pont. Max. Commentarii rerum memorabilium, quæ temporibus suis contigerunt, libb. XII. a Joanne Gobellino* (the private secretary of Pius II., properly speaking, by

after his accession (1455) began to pursue this object with still greater zeal,¹² the only consequence was to arouse the reform party in Germany to new efforts, in order to regain the liberty of which they

the Pope himself, see *Platina* ed. 1645, p. 760) compositi. Francof. 1614, fol. p. 22 seq. At the Diet of Ratisbonne, a general promise was given, which was to be more distinctly considered at the next Diet in Frankfurt (see Müller's *Reichstagstheatrum*. Th. I. S. 450). But at this Diet (in Sept. 1454) mutati erant Theutonum animi, nec cuiquam placebat, expeditionem in Turcas fieri: infectæ veluti venenis quibusdam aures neque Imperatoris nomen, neque Romani Præsulii ferre poterat dicebantque, eos corrodere aurum velle, non bellum gerere: sed alium futurum Concilii exitum, quam sibi persuasissent: nec pecuniam collaturos Germaniæ populos, nec in militiam datus nomina: atque in eam sententiam persuasi omnes Imperatori et Papæ maledicere, legatos eorum contempnere, Burgundos irridere, qui proni ad expeditionem videbantur, Hungaros durissima verba dare, qui, cum suum regnum tueri nequivissent, nunc Germaniam suis calamitatibus involvere vellent: nec ulla spes reliqua erat rei bene gerendæ, cum deeretum Ratisponense prorsus rejiceretur. At cum in concionem itum est, locuto Æneas (as imperial Commissarius) omnium repente animi in priorem belli gerendi ardorem rediere. Oravit ille duabus ferme horis, ita intentis animis auditus, ut nemo unquam expuerit, nemo ab orantis vultu oculos suos averterit, etc. (The speech itself see in Müller's *Reichstagstheatrum*. Th. I. S. 474 ff.). But Æneas' vanity exaggerates the effect of his eloquence. It was, to be sure, resolved to send a considerable army to the help of the Hungarians; but the particulars were left to be decided at the next Diet in Vienna. More impartial the account of the Franciscan, *Johannes Capistranus*, (the only person who seemed still to have the power of the old preachers of crusades to stir up the people, see Chr. A. Pesscheck in *Illigen's Zeitschr. für die hist. Theologie*. Bd. 2. St. 2. S. 259 ff.), who was also present in Frankfurt, in his letter to the Pope, of Oct. 28, 1454, in *Wadding's Annales Minorum*, ed. 2. T. XII. p. 203: cum apud multos appearat in praesenti dieta magna fuisse conclusa, mihi vero aut nihil, aut parum boni conclusum extitisse visum est. For as every thing was left to be decided at future councils, the Hungarians might in the mean time be conquered by the Turks. He then gives the Pope notice of the state of the public mind, which continued unchanged by the diet: Omnes Principes, omnes Domini, totus mundus generaliter dicit: *Quomodo volumus contra Turcam proprios sudores, propria nostra bona, panem filiorum nostrorum exponere, quandoquidem summus Pontifex in turribus, in grossis muris, in calce et lapidibus thesaurum s. Petri expendit, quem in defensionem sanctæ fidei deberet expendere?* During the Diet in Vienna, Nicholas V. died, and the deliberations on this subject were again deferred.

¹² *Platina* in vita Calixti III. ed. 1645. p. 727: bellum Turcum statim indixit. Id se ante Pontificatum vovisse ostendens suo chirographo, his verbis scripto, quod in libro quadam suo extabat: *Ego Calixtus Pontifex Deo omnipotenti voreo et sanctæ individuae Trinitati, me bello, maledictis, interdictis, execrationibus, et demum quibuscumque rebus potero, Turcos Christiani nominis hostes sævissimos persecuturum.* Admirati sunt omnes qui aderant, quod Pontificatus nomen sibi desumpsisset ante adeptam dignitatem, quodque homo senex ac fere decrepitus tantum animi haberet. Ut autem quod promiserat re ipsa præstare posset, Prædicatores per totam Europam statim misit, etc. (More particularly *S. Antoninus* in *Summa*, P. III. Tit. XXII. cap. 14. init. Constituit plures prædicatores diversarum regionum, qui discurrenter per civitates et castella ad prædieandam crucem contra Turcam, qui hortarentur plebes ad contribuendum eleemosynas ad tam sanctum, tam pium, tam necessarium omnibus opus pro conductendis armigeris, concedens indulgentiam plenariam peccatorum contritis et confessis semel in vita et semel in morte cuicunque eleemosynam V. Ducatorum largienti, auctoritatemque tribuens absolvendi et dispensandi in multis casibus). Ex his autem facultatibus ad sedecim triremes Romæ aedificatas in hostem misit, Patriarcha Aquilejensi Præfecto, qui triennio maritima hostium Asianorum vexavit, insulas quasdam cepit, ac magnas calamitates hostibus intulit. See a bull of May 15, 1455, according to which a general crusade was to begin on the 1st of March, 1456, see *Raynald*, ann. 1455, no. 19.

had been defrauded. As the emperor, under the influence of the crafty Æneas Sylvius, was wholly on the side of the Pope,¹³ the Reformers were obliged to content themselves for the present, with loud and bitter complaints against both pope and emperor,¹⁴ on account of the infringement of the Concordats; and the Pope ventured even to go so far as to maintain in a letter of reproof sent to them, that the observance of the Concordats depended on the papal pleasure.¹⁵ But

¹³ *Gobellini* comm. p. 25: *Hæc cum audita essent in Austria* (at the diet in Vienna), *fuere non pauci, qui Cæsari suaserint, nunc tempus esse coercendi Apostolicam sedem, ne tantum in Germania posset; conventiones, quæ cum Eugenio quarto factæ fuerant, diminutas esse, nec prius obediendum Romano Pontifici, quam ea concederet, quæ natio Germanica optaret; ancillam eam videri, libertatem aliquando mereri.* Atque hoc ipsum Jacobus Treverensis Archiepiscopus obnixe requirebat, qui ex lite lucrum aliquod expectabat. *Contra Æneas non esse e re Cæsaris ajebat, Romani Pontificis auctoritatem reprimere, ut populi gratia iniretur, quæ sui natura inconstantissima est; nec multitudini relinquentas habenas, quam nosset principatus inimicam; inter Principes aliquando amicitiam inveniri, inter plehem et regem odium immortale; Papam Imperatoris, et Imperatorem Papæ auxilio indigere; stultum esse illi nocere, cuius expectes opem; cum Pontificatus novus initur, tunc Romani Præsulis gratiam beneficiis emerendas. Quodsi ab injuriis incipias, difficile in benevolentiam patere aditum; mittendam more majorum obedientiam, fedusque cum novo Præsule honestum ineundum, eoque pacto Germanos Imperatori obedituros.* Vicit Æneas sententia, atque ipse missus est, qui ea perageret, quæ suaserat, etc. The speech of Æneas before the Pope on this occasion is in the collection of his letters, Ep. 413.

¹⁴ At the Diet of Nuremberg, 1456, the electors had already thought of choosing a king of Rome even without the emperor's consent, see Müller's *Reichstagstheatrum*. Th. I. S. 555 ff. At a meeting of the electors of Mayence, Cologne, the Palatines, Saxony and Brandenburg, and the archbishops of Salzburg and Bremen, which took place in Frankfurt, 1457, a new assembly of the princes in Nuremberg was resolved upon for St. Martin's Day, 1457, at which it should be considered (see *Neue Sammlung der Reichs-Abschiede*. Frankf. a. M. 1747. fol. Th. I. S. 190): *anne magis expedit pro honore Princeps et nationis, quod decreta Constantiensis et Basileensis Conciliorum, quæ ea gravamina contingunt, circa quæ inagis necessarium fuerit providendum, absque modificatione et simpli- citer — repetantur et innoventur: vel quod ordinations intermediae, de quibus in avisamentis supradictis cautum et actum est, prosequantur et continentur, seu quod alia congrua et honesta via Alemaniae consulatur.* Also de modo et forma, quibus Romanus Imperator posset induci ad concurrendum una cum Principibus Alemanniæ in re ista, et etiam ad providendum Nationi vel per pragmaticam sanctionem vel alio remedio oportuno. So too, *anne Dominus Apostolicus vel literis, vel oratoribus, et quibus modis et mediis interpellandus sit super hac re.* The *Avisamenta* here referred to were to be communicated in the first place to the other princes. Perhaps they were the same with the *Pragmatica Sanctio*, mentioned by Æneas in his *Germania*, c. 78, seq. (see note 19, below).

¹⁵ *Calixti III. ep. ad Fridericum Imp. dd. 31 Aug. 1457* (partially contained in *Raynald*, ad h. a. no. 40; complete in *Æn. Sylv. Epist. 385*): — *nuper — sicut nobis relatum est, nonnulli ex venerabilibus fratribus nostris ac dilectis filiis, nobilibus viris, Romani Imperii Electoribus, et alii plerique Principes ac Prælati nationis ejusdem, dieta quadam sive conventu inter se celebrata (in Frankfurt, see above, note 14), Oratores suos ad Te miserunt, qui de nobis, deque curia nostra non parvam querelam facientes, inter cætera exposuisse feruntur, quod nos diversis modis nationem ipsam aggravantes, quæ inter Te nomine nationis et antecessorem nostrum — concordata fuerunt, minime adimplere aut observare curemus. — Audi- vimus rumorem esse, tanquam nos aurum ex natione tua, supra quan deceat, extorqueamus. Injuriantur profecto nobis, et a vero longe recedunt, qui talia dicunt: nihil unquam nostro nomine ab his extortum est, quibus beneficia contulimus, ut illi garriunt: nihil exactum, nihil petitum præter Annatam vetusto jure debitam: at si qui contra Turcos pecuniaria nobis subsidia obtulerunt, non recusavimus, nec*

the efforts to bring about a crusade were as ineffectual in Germany as elsewhere ;¹⁶ and the sums, not without difficulty collected from the

recusare quidem debemus pro tanta Christianæ religionis necessitate. Pecunias autem hujusmodi — non usurpamus nobis, — non consumimus in deliciis, sed in defensionem fidei convertimus. — Innumerabiles sunt et intolerabiles nobis, quas indies subimus, expensæ : nunc in Orientem Legato classis nostræ, nunc in Albaniam Scanderbechii fortissimo Christi athletæ, indefesoque bellatori, nunc Legatis et Oratoribus in diversas mundi partes emissis, nunc istis, nunc illis per Graeciam et Asiam laborantibus, ne destituti perelitaruntur, pecunias mittimus : nec fuerunt inanæ hujusmodi sumptus. Licet enim nobis in Domino gloriari, qui per ministros suos, torquentibus ac pene dormientibus cunctis ferme Christianis Principibus, nobis tantummodo instantibus atque urgentibus Turcorum superbissima cornua et insolentissimas acies apud Ungariam confregit (referring to the victory of Johannes Hunyades near Belgrade, 1456), magnumque illum et potentissimum exercitum prostravit, qui sibi non Ungariam modo, sed Germaniam totam, Galliam atque Italiam protere, legemque Christi funditus evertere promittebat. — Nunc quoque classis nostra Rhodum tuerit, Cyprum, Mitylenem, Chium, et omnes in Oriente Christiani nominis insulas : — quodque laudabilius est, — non tantum quas diximus insulas Legatus noster — tutatus est, sed alias plerasque Turcorum domino servientes ad Apostolicæ sedis devotionem obedientiamque rededit. — Quæ cum ita sint, audent tamen nonnulli parum quidem religiosi, et ad communie bonum minus intenti nos redarguere, quod ab his pecunias recipimus, qui promoventur, quamvis sponte oblatas in classem contra Turcos emissam. Quod quam inique agunt, jam plane prospicis. Sed ajunt plerique, concordata, de quibus mentionem supra fecimus, per nos minime observari, affirmantes, electiones Episcoporum aliorumque Prælatorum nos parvi pendere, ac prorsus abjecere : quod pari modo neque vere, neque juste nobis objicitur. Neque enim electiones Prælatorum in Germania factas quovis pacto contemnimus, neque ex concordatis omnes passim electiones confirmare tenemur, sed illas tantummodo, quæ canonicæ experuntur : quod quidem a nobis diligenter custoditum est. — Super reservationibus autem cæterisque beneficiorum provisionibus, de quibus similiter accepimus querelas coram Tua Serenitate fuisse propositas, non sunus memores, aliquid a nobis esse concessum contra concordata prædicta. Quod si quid tale factum est, ut sepe in multitudine literarum ac negotiorum aliqua transeunt neque bene gesta, neque bene revisa ; non est intentionis nostræ aut Ordinariorum mensibus derogare, aut concordatis ipsis contravenire. *Quinino quamvis liberrima sit Apostolicæ sedis auctoritas, nullisque debeat pactionum vinculis coerceri ; ex mera tamen liberalitate nostra, ex zelo, quem gerimus ad pacem, ex caritate, qua te tuamque nationem prosequimur, concordatis ipsis locum esse volumus, nec patiemur ea temere violari, dum Romanæ sedis gubernacula retinebimus.* Si quid præterea est, quod ipsi nationi molestum videatur ex his, que prodeunt ex nostro solo, idque fortasse dignum emendatione censetur (possimus enim et nos, ut homines, aliquando labi atque errare, in his maxime, quæ facti sunt) ; non deceat Episcopos aut alios quosvis mortales super Apostolicam sedem auctoritatem sibi vendicare. — Et tu ergo, Serenissime Imperator, si quid arbitris tuae nationis Prælatos haberc, quod per nos emendari debeat, admone eos, hortare et urge, ut ad nos venientes suas nobis necessitates exponant, gravamina referant, desideria proferant, etc. The letter is marked : Dictata per Æneam Cardinalem Senensem.

¹⁶ Alphonso, king of Aragon and Sicily, took the cross (*Raynald*, 1455, no. 30), but used the troops and the money which were raised for a war against the Turks, in his own wars with the Genoese (l. c. 1456, no. 11 seq.). Also Alphonso, king of Portugal, promised to go against the Turks (l. c. 1456, no. 8), but finally did nothing (l. c. 1457, no. 65). Charles VII. of France, forbade the preaching of the crusade in his dominions, lest they should be left exposed to the English (l. c. 1456, no. 3 seq.) : afterwards he allowed the church tithes to be taken sans préjudice des droicts, franchises, libertez et prerogatives de l'Église de France (see the edict in the *Preuves des libertez de l'Égl. Gallicane*. Chap. XII. no. 20), but still forbade the assembling of any troops (*Raynald*, 1456, no. 5) : even the tithes, however, were refused by many of the clergy, who, following the example of the University of Paris, appealed to a general council (*Raynald*, 1457, no. 54 seq.).

various national churches, were quite inadequate to enable the Pope to undertake any thing himself against the Turks. *Æneas Sylvius*, who, for his good service rendered in Germany, had been invested successively with the bishopricks of Trieste and Siena by Nicholas V., and in Dec. 1456 raised to the dignity of cardinal by Calixtus, now exerted himself to the utmost to appease the dissatisfaction felt in Germany.¹⁷ In numerous letters he strove to win over the most considerable men amongst the disaffected,¹⁸ and the main object of

¹⁷ This we learn particularly from the letter of the Chancellor of Mayence, Martin Meycr, to his friend *Æneas Sylvius*, dd. 31 Aug. 1457 (prefixed to *Æneæ Sylv.* Germania, and printed often besides, e. g. in *Freheri Scriptt. Rer. Germ. ed. Struve*, T. II. p. 686. *Richerii hist. Cone. gener. Lib. IV. P. I. cap. 1. J. F. Georgii Nationis Germanicæ gravamina ad. sedem Rom. p. 244 seq.): Cognovi ex literis amicorum, Te Cardinalem esse creatum. Congratulor et Tibi, qui pro Tua virtute digna consecutus es præmia, et mihi, cuius amicus in ea dignitate constitutus est, in qua me neque necessarios aliquando juvare poterit. Illud mihi molestum, quod in ea tempora incidisti, que sedem Apostolicam afflictura videntur. Nam domino meo Archiepiscopo frequentes afferuntur de Romano Pontifice querelæ, qui neque Constantiensis neque Basileensis Concilii decreta custodit, neque se pactionibus antecessori sui teneri arbitratur, nationemque nostram contempnere et prorsus exhaustire videtur. Constat enim, electiones Prælatorum passim rejici, beneficia dignitatesque cuiusvis qualitatib; et Cardinalibus et Protonotariis reservari. Et tu quidem ad tres Provincias Teutonici nominis sub' ea formula reservationem impetrasti, quæ hactenus insolita est et inaudita. Expectativæ etiam gratiæ sine numero conceduntur: Annata sive medii frustus absque ulla dilatione temporis exiguntur, et plus etiam, quam debeatur, extorqueri palam est. Ecclesiarum regimina non magis merenti, sed plus offérēnt committuntur: ad corradendas pecunias novæ indulgentia indies conceduntur. Decimaru[m] exactiones inconsultis Prælati nostris (contrary to Conc. Const. Sess. XLIII., see § 130, note 20, Dece[re]t. 6). Turcorum causa fieri jubentur. Causæ, quæ tractandæ terminandæque in partibus fuerant, ad Apostolicum tribunal indistincte trahuntur (contrary to Conc. Basil. Sess. XXXI., see § 131, note 34): excoigitantur mille modi, quibus Romana sedes aurum ex nobis, tamquam ex barbaris, subtili extrahiat ingenio: ob quas res natio nostra quondam inclyta, quæ sua virtute suoque sanguine Romanum Imperium co[m]mit, fuitque mundi domina ac regina, ad inopiam nunc redacta, ancilla et tributaria facta est, et in squalore jaccens, suam fortunam, suam pauperiem multos jam annos mœret. Nunc vero, quasi ex somno excitati optimates nostri, quibus remedii huic calamitati obviā permittantur, cogitare ceperunt, jugumque prorsus excutere, et se in pristinam vindicare libertatem decreverunt. Erit hæc non parva jactura Romanæ Curiæ, si quod cogitant Romani Principes efficerint. Quantum itaque de tua nova dignitate lætor, tantum commovere et angor, tuo tempore hoc parari. Sed Dei fortassis alia est cogitatio, et illius profecto sententia obtinebit. Tu interim bonum habeto animum, et quibus repagulis fluminis impetus coerceri possit, pro tua sapientia cogitato, et vale optime. The dissatisfaction with Rome went even further, see *Æneæ Sylvii Ep. 301. ad Martinum Maycr:* Sunt nonnulli nationis tuæ homines, parum pensi habentes, quibus Romani Pontificis auctoritas neque necessaria esse videtur neque a Christo instituta. The aim of the whole letter which is also contained in *Æneæ Germania*, e. 89 and 90, is to refute this assertion.*

¹⁸ *Æneæ Sylvii Ep. 348. ad Laurentium Rovarellam* (legate in Hungary): he was to impress it on the German princes, quod multo facilius filii Principum promovebuntur per sedem Apostolicam, quam per Capitula vel Ordinarios. Et hoc bene cura in auribus Principum conculcare, quia veritas est. Ep. 319, ad Theodoricum Archiep. Colon. dd. 2 Dec. 1457. Si Romanæ sedis auctoritas deprimeretur, credito, quia nec tua nec aliorum Episcoporum salva manebit. Auditio tamen, quæ consulis, ut hic quoque ea reformatum, quæ odium tuæ nationis pariunt, et ego, si mea vox audietur, ad id operam dabo. Nam et hic aliqua committuntur, quæ non laudo omnia. Verum illud salubre puto, ut super gravamini-

his work, *Descriptio de ritu, situ, moribus et conditione Germaniæ*,

bus, quæ vestri allegant, ad Romanum Pontificem recursus habeatur, qui non negabit assensum justa potentibus. Ep. 334. ad Johannem de Lisura (a Counsellor at Mayence, see § 131, note 51): Per Wigandum Secretarium Moguntini misimus tibi Alphabetum, et nunc dupliqueamus, si forsitan illud non recepisti: poteris scribere mentis tuæ conceptum, et consulere Ecclesiæ necessitatì. — Labore tuo nostroque quietem consecuta est Ecclesia nostris diebus apud Germanos. Faxit Deus, ne lacerari videainus quod aliquip resarcivimus. Multa rumor afferit, et Germanos fieri Gallos imitatione contendit. Nobis illa via salubrior esse videtur, qua patres nostri ambulavere. — Nec facile sua in Diœcesi quisque Pontifex Papatum habebit: et sunt, qui querunt, et ejus rei causa nigrum in candida vertunt. Ep. 383, ad Martinum Mayer, an answer to the letter in note 17. He here shows first, nec unquam regni cœlestis introre januam potuisse, qui Romanorum Pontificum auctoritatem contumaciter contempserit, nec hodie illis gloriandum esse, qui auctoritate propria leges sibi constituent, quibus pro suo libito Romanæ sedis jussiones spernere possint. Hos enim catholica veritas, nisi resipinerint ante obitum, ignis æterni mancipio sine intermissione deputat. Fatemur insuper aliquando in Romana Curia, quam regunt homines, aliqua fieri, quæ digna essent emendatione, nec dubitamus ipsos Romanæ urbis Præsules etiam, in quantum homines, falli, errare, labi ac decipi posse. He thus answers the complaints, first, that the Concordats are not kept, and then that the right of choice is not observed. He then writes (the same *Æneas Sylvius*, who, Ep. 66, ad Jo. Peregallum, had said: *Nihil est, quod absque argento Romana curia dedit*. Nam ipse manus impositiones et Spiritus Sancti dona venduntur, nec peccatorum venia nisi nummatis impenditur,) as follows: *Quod deinde subjungis extorqueri multum auri ab his, qui dignitates vel alia beneficia assequuntur, non est cur de hac sede conqueramini, sed potius de cupiditate et ambitione vestrorum hominum, qui currentes pro Episcopatibus, invenientes competitores, his quibus palatum patet certatim pecunias offerunt. Illi vero, qui alloqui Pontificem possunt, non sunt omnes similes Angelis, sed quales in Alemania Galliaque multis reperias: recipiunt enim quod offertur, non extorquent. Romanus autem Presul solus in thalamo suo nunc hos nunc illos audit, et illos promovere solet, qui magis commendantur, nec scit, nec etiam arbitratur, pecunia causa hos aut illos commendatione præferri. Nec sibi plus auri datur, quam concordata permittant: nisi fortasse aliquando occasione expeditionis contra Turcos, aliiquid super Annatas recepit* (the text is here corrected from the *Germania*, e. 25), *quod sibi profecto non fuit in tanta necessitate negandum. Then against the complaints concerning the sale of absolutions and tithes. Such complaints of pecuniary wrong, he says, had always been very common. Germany was so far from being impoverished, that it was richer than ever. Its prosperity was a consequence of the Christian religion, and therefore to be attributed to the holy see by which the country had been converted. He then defends himself against the charge of having insolitas reservationes. The reservations made in his own favor were no infringement of the concordats. Sed arbitrari fortasse beneficia quæ in Germania sunt Germanis potius committi debere quam extraneis, nec nos alter sentimus. Sed eum nos jam annis supra XXIV, Germaniam incoluerimus, non reputamus extraneos existimari debere: cuncte Imperatori ipsique nationi longo tempore, summa fide, magnis laboribus servierimus, et nunc ad Cardinalatum recepti ea curemus, quæ nationis ipsius honori atque utilitatì conducant, et ita prorsus agamus, ut natione Germani potius quam Itali putemur; non judicavimus tribus illis provinciis Moguntina, Colonensi, Treverensi indignum videri, aut grave censeri, si anno duo millia ducatorum in eis obtineremus ex illis beneficiis, quæ sedes Apostolica conferre haberet. Putavimus etiam majora in eadem natione, cui semper servivimus, sponte offerri: sed non sumus nos insatiabiles, contentamur eo, quod pro debiti status conservatione sufficiat, nec plura circa hoc. Quod autem operas tuas ad id offers, ut gratiae nostræ fructum consequamur, agimus tibi gratias, qui partes amici non negligis, idque rogamus, ut interveniente casu opportuno prorsus efficias. — Si qua Præpositura vacaverit, aut Ecclesia parochialis magni reditus, velis ita efficere, ut ad complementum gratiæ nostræ (the reservation granted by the Pope) pervenire possimus.*

was to answer the complaints of the Germans against the Holy See.¹⁹

¹⁹ It has been several times published separately, e. g. Argent. 1515. 4to. Romæ. 1584, and in *Æn. Sylv. Opp. Basil.* 1571. fol. p. 1034 seq. It is directed to the chancellor of the elector of Mayence, Martin Mayer, and contains answers to the gravamina communicated by him (note 17), the same with that in Ep. 383 (note 18), but fuller. Very remarkable what is said of the Pragmatic Sanction proposed in Germany (see above, note 14). Cap. 78: *Pugna nobis cum paucis, qui cum sibi docti videantur, nec pro sua opinione dignis efferantur honoribus, miscere omnia divina et humana jura conantur, ut inter rerum mutationes cadentium assequi cathedras valeant, etc.* — *Quid est quod pro libertate molientur, quid parant in Apostolicam sedem, quo sibi modo consulere satagunt?* Non scribis tu hoc nobis: fortasse times deferri. *Commendamus cautionem tuam: nam Cancelario nihil tam convenient quam pectus arcanorum tenax.* Non tamen nos latet hoc: provisi sunt amici nostri, nullis obligati Principibus, quod nobis omnium, quæ apud vos aguntur, notitiam fecere, missis exemplaribus ejus Pragmaticæ, quæ ab aliquibus excogitata, in publicum deferri debuit. Cap. 79: *Cujus duas partes sunt. In prima referuntur omnia fere gravamina, quæ superius enumeravimus. Quibus ut obvietur, ponitur modus, qui servandus sit in natione vestra circa Prælatorum electiones, beneficiorum collationes, causarum auditiones, indulgentiarum concessiones, decimarum exactiones, et cætera istiusmodi.* In secunda ponuntur appellationes, ad quas recurrendum sit, si forte Pragmaticæ sanctioni Summus Pontifex obviam ierit. *Iuseritur et poena, qua plectendi sint Germani non obedientes, et fœdus Principum pro custodia sanctionis.* Fama quoque ad nos delatum est, inter Pragmaticos sermonem habitum esse de intendis huc oratoribus, qui ex Romano Pontifice sanctionis suæ confirmationem expant, quasi primam sedem eo modo honoratur, quod, si optatum responsum habuerint, gratias agant, si minus nihilominus natio Pragmaticæ subjiciatur. Scimus nihil horum placere divo Imperatori, majorique parti Principum, — sed aginus, ut dictum est, cum seditionis quibusdam et perditis hominibus, etc. Cap. 80: *De Pragmatica igitur inprimis dicamus.* — *Summam vim ejus respicimus, quæ huc tendit, ne Germanica natio jussionibus Apostolicæ sedis obediens cogatur, ne quid pecuniarum ad Romanam curiam deferatur.* Nam hoc est, quod omnes sibi querela volunt, hoc quæruntur, dum causæ in partibus retinendæ dicuntur, dum Prælatorum electiones ad Metropolis referuntur, dum beneficiorum collationes Ordinarii reservantur, dum annatarum exactiones prohibentur. The view which Æneas takes of the dignity and power of the papal see is entirely ultramontane, but he supports it on political and strictly worldly grounds. Cap. 87: *Ecclesiarum ceterarum dignitates et cathedras, ut inquit Nicolaus, Papa Romanus instituit: Ecclesiam vero illam solus ipse Deus fundavit, et super petram fidei mox nascentis erexit. Qui b. Petro æternæ vitæ clavigero terreni simul et cælestis Imperii jura commisit.* Cap. 94: *An pauperem tu Pontificem maximum esse volueris?* — *At nos Pontificem maximum, quamvis optimum, non putamus officio suo satisfacere posse, nisi facultatibus prædictis sit.* — *Convenit Romanum Pontificem, magnum sacerdotem, curare, ut evangelium Christi — omnibus sincere prædicetur, ut omnes errores, omnis blasphemia — eradicetur, ut pellantur a finibus Christianis impugnatores nostræ religionis, ut schismatis renoventur, ut bella sopiantur, ut furtæ, rapinæ — de medio tollantur.* — Postremo debet Romana sedes, veluti patrocinium orbis terræ, tutusque portus afflictorum, — omnibus ad se currentibus non solum benignas aures adhibere, sed open ultro afferre. — *Et quis est, qui hæc agere posse pauperem et inopem Papam affirmet?* — *Quomodo restituentur Episcopi exules, aut hæretici, vel schismatici corridentur?* — *Implorandum est brachium sæculare, clamabis.* At nos ex te quærimus, an melius per se Romanus Presul hæc agat viribus suis fretus, an per alium? — *Quid vero, si Principes ipsi aberrent, et, ut saepè vidimus, hæreticis succumbant erroribus, quid agemus?* Quid si Rex coërcendus, si arguendus Imperator? Numquid et Regem Francie inutilem depositum a Romano Præsule legimus? — Numquid Henrici Fridericique Cæsares contra Ecclesiam debacchati sunt, et digni anathemate putati? Quid ergo an brachium contra se Imperator præbebit, aut pauper eum corripiet Romanus Præsul? — nos tenemus, potentiam, opes, viresque multo melius in Apostolica sede quam in alio quovis sæculari throno existere. Nam sedes hæc tutrix fidei est, quæ nunquam erravit, aut erratura est, quia rogavit Dominus, ut non deficiat fides Petri. Imperatores vero, et Reges, et

At the same time all these writings showed so decidedly the old papal spirit, that it was easy to see what was to be expected of this former adherent of the Council of Basil when, under the name of Pius II., he ascended the papal chair (1458).²⁰ Pius II. aimed at restoring the Holy See to its former consequence by treading in the steps of the earlier popes; but he was too entirely swayed by political considerations himself ever to kindle others to enthusiasm, and thus his energies were all wasted on the political intrigues of the time.²¹ It was in vain that he put in requisition all the means, which had been used with such wonderful effect in the time of the first crusades. He founded new military orders, but they soon came to an end.²² He summoned a general assembly of all the Christian

alios Episcopos sape in haeresim lapsos fuisse legimus. Cap. 101: Cæterum neque illud, quod sequitur de appellationibus, piæ aures ferre possunt. Nam si Princeps est Romanus Præsul, si Dominus, si Magister, quo pacto ab eo appellatur? — Nam si leges civiles neque a Senatu, neque a Principe sacerulari appellationem admittunt, quanto minus ab ecclesiastico Principe erit? Nam si Papa simul et Imperator conferantur, quantum infer solem et lunam interest, tantum eos differre dicemus, et Papam soli, Imperatorem lunæ assimulabimus. Præterea cum appellatio ab inferiori ad superiore deferatur, Papa vero prior sit et major omnibus, liquet ab eo non esse provocandum. Sed audio, quod tecum loqui potes: non quispiam singularis homo appellabitur, sed Concilium, quod magis est et potentius Romano Præsule. Nolumus hanc modo quæstionem ingredi, quæ longiore tractatum requirit, et aliud ingenium quam nostrum est. At idem Gelasius sacros canones ait sanxisse, ne unquam ab ea sede appellaretur, neque Concilium exceptit, et amplius de Romana sede, quod illa etiam quos Synodus inique damnaverat absolvit. Quo dicto declarat a Synodo ad Papam appellatum fuisse, eoque modo majorem Synodo Papam extitisse. — Quocirca si quid est quod gravius ille agat, non est recalcitrandum, sed ferendum. Ridiculum profecto, nemo est tam parvæ urbis dominus, qui a se appellari ferat, et nos Papam appellationi subjectum dicemus? — *At si me, ais, Pontifex indigne premit, quid agam?* Redi ad eum supplex, ora onus levet. *At si rogatus, interpellatus nolit subvenire misero, quid agam?* Quid ages, ubi tuus te Princeps sacerularis urgat? — *Feram, dices, nam aliud nullum est. remedium.* Et hic ergo feras. — Cap. 102: Et majores igitur nostri, quamvis Romanum Pontificem aliquando posse injurium esse non dubitarent, non tamen appellandum ab eo sanxerunt. Nam injuriam ab illa sede rarissime venturam arbitrati sunt; privatos vero homines, si provocare possent, non dubitaverunt toties appellaturos, quotiens in eos sententia promulgaretur: quoniam sicut litigare homines injuste audent, ita et provocare audebunt, ac per eum modum nullus erit unquam finis litium.

²⁰ Of whom see especially *Gobellini* commentarii above, note 11. The most important source for his history are his own *Epistolæ*, which are, however, rare, though there are more than 20 editions. The one here cited is that of Norimb. 1496. 4to. — *H. Chr. C. E. Helwing* de Pii II. Pont. Max. rebus gestis et moribus comm. Berol. 1825. 4to.

²¹ Pius II. bestowed Naples on Ferdinand (*Raynald*, 1458, no. 20 seq.); but the house of Anjou, supported by France, maintained its claim on that kingdom, and hence a war in Italy. — There was also a dispute between the emperor Frederick III. and king Matthias, for the possession of Hungary; though the former gave up as early as A. D. 1459. In Germany itself, however, there continued to be two opposing parties, the imperial, and that of the Palatine of Bavaria.

²² On the 18th of Jan. 1459, he founded the *Ordo hospitalis b. Mariæ Bethlemitæ*, on the model of the knights of St. John, for the defence of Lemnos (*Raynald*, ad. b. a. no. 2). In the same year was founded the *Societas sub vocabulo Jesu nuncupata ad Dei honorem et infidelium oppugnationem instituta* (see *Pii II. Ep. ad Carolum R. Galliae* dd. 13 Oct. 1459, in *Leibnitii Cod. Juris*

princes at Mantua,²³ but could only, and with great trouble, bring together a part of them (1459);²⁴ and this assembly, which was to unite the nations in a general crusade, served only to show the prevailing indifference and the impossibility of uniting the sovereigns in any common enterprise.²⁵ At this council, too, he condemned all appeals from the Pope to general councils,²⁶ which was immediately

Gentium, P. I. p. 420), to which the Pope granted numerous privileges (*Raynald*, l. c. no. 83).

²³ *Gobellinus*, Lib. II. p. 34. The letter of Summons is given in *Raynald*, 1458, no 16 seq.

²⁴ Pius II. opened the assembly on the 1st of June, 1459, with these words (*Gobellinus*, lib. III. p. 60): Speravimus, fratres ac filii, hanc urbem adeuntes, frequentes, qui præcessissent Regum legatos invenire: pauci adeunt, ut vidimus, decepti sumus. Non est religionis cura apud Christianos, quantam credidimus, etc.

²⁵ In the closing speech of the Pope, January, 1460, the following is given as the result of the convention (*Gobellinus*, lib. III. p. 92): Hungari si adjuventur, summo conatu et universi viribus suis Turcas invadent. Germani exercitum pollicentur duorum et quadraginta millionum bellatorum; Burgundus sex millionum; Itali, exceptis Venetis ac Genuensis, Cleri decimas, populi trigesimas annuorum reddituum, ac vigesimas Judaicæ substantiæ, ex quibus navales copias sustentari queant. Idem facit Joannes Rex Aragonum. Ragusæ duas triremes offerunt, Rhodi quatuor. Hæc tanquam certa solemni stipulatione per Principes ac Legatos promissa sunt. Veneti quamquam publice nihil promiserint, cum tamen expeditionem paratam viderint, haudquaquam deerunt, neque patientur, ut suis majoribus deteriores videi possint. Idem de Francis, de Castellanis, de Portugallensibus dicimus. Anglia civilibus agitata motibus spem nullam pollicetur, neque Scotia in intimo abscondita Oceano. Dacia quoque, Suecia ac Norvegia remotiores provinciæ sunt, quan milites possint mittere, nec solis contentæ piscibus pecuniam ministrare possunt. Poloni Turcis per Moldaviam contermini suam causam deserere non audebunt. Bohemos mercede licebit conducere, suo ære extra regnum non militabunt. Sic res Christianæ se habent. Classem pecunia Italica parabit, si non Venetiis, ac saltim Genuæ, aut in Aragonia: nec minor erit, quam res ipsa deposeat. Hungari viginti millia equitum armabunt, peditem haud minorem numerum, qui Germanis juncti ac Burgundis duodenonaginta millia militum in castris habebunt. Et quis non his copiis superatum iri Turcas arbitretur? Hic accedit Georgius Scanderbechius, et Albanorum fortissima manus; et multi per Græciam ab hoste deficient; et in Asia Charemannus et Armenorum populi Turcas a tergo ferient: non est cur desperemus, tantum Deus ipse cœpta secundet!

²⁶ The bull dated 23 Jan. 1460, is in *Gobellinus* III. p. 91 (the date according to *Raynald*, 1460, no. 10, is X. Kal. Febr.): Execrabilis et pristinis temporibus inauditus tempestate nostra inolevit abusus, ut a Romano Pontifice — nonnulli spiritu rebellionis imbuti, non saioris cupiditate judicii, commissi evasione peccati ad futurum Concilium provocare præsumant: quod quantum sacris canonibus aduersetur, quantumque reipublicæ Christianænoxium sit, quisquis non ignarus jurium intelligere potest. Namque, ut alia prætereamus, quæ huic corruptela manifestissime refragantur, quis non illud ridiculum judicaverit, quod ad id appellatur, quod nusquam est, neque scitur quod futurum sit? Pauperes a potentioribus multipli-citer opprimuntur, remanent impunita scelera, nutritur adversus primam sedem rebellio, libertas delinquendi conceditur, et omnis ecclesiastica disciplina, et hierarchicus ordo confunditur. Volentes igitur hoc pestiferum virus a Christi Ecclesia procul pellere — hujusmodi provocationes introductiones damnamus, et tanquam erroneas ac detestabiles reprobamus, cassantes, et penitus annullantes, si quæ hactenus taliter interpositæ reperiantur; — præcipientes deinceps, ut nemo audeat — ab ordinationibus, sententiis sive mandatis quibuscumque nostris ac successorum nostrorum talem appellationem interponere, aut interpositæ per alium adhærere, seu eis quomodolobit uti. Si quis autem contrafecerit a die publicationis præsen-tium in Cancelleria Apostolica post duos menses, cujuscumque status, gradus, ordinis vel conditionis fuerit, etiamsi imperiali, regali, vel pontificali præfulgeat

followed by a number of such appeals in succession. Cardinal Bessarion having been sent into Germany to bring about a crusade (1460),²⁷ the only effect was a letter of complaint from the electors and an appeal.²⁸ Sigismund, Grand Duke of Austria, having been

dignitate; ipso facto sententiam execrationis incurrat, a qua nisi per Romanum Pontificem et in mortis articulo absolví non possit. Universitas vero, sive collegium ecclesiastico subjaceat interdicto: et nihilominus tam collegia et universitates, quam praeditæ — personæ eas pœnas ac censuras incurrant, quas rei majestatis, et hæreticæ pravitatis factores incurre dignoseuntur. Tabelliones insuper ac testes, qui hujusmodi actibus interfuerint, et generaliter qui scienter consilium, auxilium dederint vel favorem talibus appellantibus, pari pœna plectantur.

²⁷ Of Bessarion's unsuccessful attempts at the Diets of Nuremberg, Worms, and Vienna, to effect a peace amongst the German princes, and bring about a crusade against the Turks, see *Platinæ Panegyricus in Bessarionem Card. appended to his Vitæ Pontiff. Rom. Lovan. 1572. fol. p. 71 seq.* The documents on the subject are in *H. Chr. Seckenburg Selecta juris et historiarum, T. IV. (Francof. ad M. 1738. 8vo.) p. 334 seq.*, and in *Chr. J. Kremer's Gesch. des Kurf. Friedrichs I. v. d. Pfalz (Manheim 1766. 4to.) Urkunden S. 179 f.* His efforts with the bishops with regard to the tenths were not much more successful, see *Excerpta e Cod. Ms. Acta Imp. publica continente in Senckenberg. l. c. p. 315: 1460. Convocatio Electorum Imperii et Episcoporum per Card. Græcum — in Nordlinga in Franconia, postulando decimam generalem a Clero, et ibidem recepto responso dilatando, dedit in sua ira oratoribus benedictionem cum sinistra manu.*

²⁸ The final reply of the legate at the Diet of Vienna (*Senckenberg, l. c. p. 357 seq.*) had given offence to the electors, and they immediately after prepared an appeal (*l. c. 369 seq.*). They begin with a complaint that they had shown themselves ready to make war against the Turks, and had only asked of the emperor, quatenus — ad superiores partes Imperii sui in locum competentem se conferre dignaretur ad tollendum et amputandum schismata, divisiones, guerras, — quæ proh dolor Rom. Imp. et nationi nostræ increverunt, which request the emperor had not thought proper to grant: verumtamen idem Apostolica sedis Legatus — ceremonia quadam contra dictos oratores nostros fretus est, nos parvifaciendo, et nostras oblationes sinceras et devotas rejiciendo, increpando et judicando, — nostras oblationes esse hominum renitentium et tergiversantium. — Sugillabantur (*Principes Germaniae*) tanquam ludentes cum side. — Succensebatur in illos, quasi promissa violantes et sua irrita facientes. — Quæ si veritati subnixa forent, sicut non vera sunt, essentius de sorte gentium incredulorum. They therefore repeat their promises. Porro cum in Concilio Constantiensi inter alia ordinatum fore dinoscitur, ne Summus Pontifex decimam imponat, nisi hoc faciat cum consilio et consensu Prælatorum, et majoris partis in regnis vel provinciis, ubi decima venit imponenda; pronunciavitque se penumero Apostolicus Legatus præfatus, se plena a Sanctissimo Domino nostro fulciti auctoritate et facultate decimam, vicesinam, atque tricesinam per plures annos in natione nostra imponendi, siveque præsumendi et formidandi, quod — idem Apostolicus Legatus aut Sanctissimus Dominus noster — irrequisito consilio et consensu tam nostrorum quam aliorum, quorum interest — ad hujusmodi impositionem processerint aut procedant: hinc est, si et in quantum — contra ordinationem Ecclesiæ sanctæ Dei in præfato Concilio Constantiensi — attemptatum foret attemptetur, — hoc esse gravamen edicere gravamus, cui nec nos, nec nostri utriusque status homines minime parere aut satisfacere possemus. Attento potissimum, quod, eum per amplissimas et repetitas et variis respectibus concessas indulgentias, quibus piarum intentium araria evanescunt, tum per excessivam solutionem annatarum, quarum gratia Ecclesiæ vel feneratoribus dispensiose deditæ, aut ferme funditus confectæ jacent, tum variis aliis gravaminibus — adeo gravatus, adeo exhaustus et exinanitus est uferque status, ut illi omnia ea gravamina et sarcinam hujusmodi acceptandi et ferendi omnino deest facultas atque potestas. Hac occasione ab his impositionibus et gravaminibus — provocamus et appellamus ad S. D. N. Papam Pium, ad sanetam sedem Apostolicam, aut ad illum vel ad illos, ad quem vel ad quos de jure fuerit appellandum, vel ad Romanum Pontificem, qui in Concilio generali seu œcumenico vel jam instituto vel instituendo

punished by excommunication and interdict, for his violence to the cardinal Nicholas of Cusa, bishop of Brixen (1460); the only consequence was again one of the annoying appeals, and the equally annoying writings of Gregory of Heimburg on the subject.²⁹ In

in proximo præsidentiam habeat vel habiturus est, præsertim ad instituendum eundem Rom. Pontificem de pia nostra intentione, supplici oblatione — plenius, atque forsitan hactenus instructus sit, etc. The Pope on this denied, in a bull dated 4 Sept. 1461 (in Müller's Reichstagstheatr. Th. 2. S. 29) that the legate whom he had sent to Germany, ad præsidentum in dietis tan apud Norimbergam, quam apud curiam imperiale tunc tenendis, ever had the purpose, eos ad ipsius decimæ solutionem compellere, and assures them, nostra intentionis semper fuisse et adhuc esse, quod predicta decima in eadem natione non exigeretur, nec exigatur, nisi de vestro aliorumque Prælatorum et Principum consensu.

²⁹ Compare *Gerardi de Roo* (about 1519) *Annales Austriaci* lib. VII. p. 222, 261. *Jo. Jac. Fugger's* (about 1555) *Spiegel der Ehren des Erzhauses Oesterreich*. S. 663 ff., 739. The bishop having been appointed by the Pope against Sigismund's will, was always at variance with this last, and was at length imprisoned by him, for having laid claim to certain market-towns and salt-works. For this the Pope condemned the Grand Duke, dd. 1 Jun. 1460 (*Raynald*, 1460, no. 33): sicut reus criminis læsæ majestatis perpetuo infamis, diffidatus, bannitus, intestabilis, omnique privilegio, honore, et dignitate exutus, privatus, ac etiam majoris excommunicationis sententia innodatus, gave notice to the Swiss, ne ad observandum pacis et concordiae federa se adstrictos arbitrentur, and commissioned certain prelates, ut Helvetios ad fœdus armorum pro coërcendo Sigismundo concient. Sigismund, on his part, appealed through Gregory of Heimburg, to a general council, dd. 13 Aug. 1460 (the document is in *Goldasti Monarchia*, T. II. p. 1576, and in *Brown Appendix ad fascicul. rerum expetendarum et fugiendarum*, p. 114) et appellaciones multarum civitatum Italiae et Alamanie Ecclesiæ valvis — affigi fecit (*Raynald*, 1460, no. 35). The Pope now passed sentence of excommunication on Gregory (*Raynald*, l. c.), who in 1446 had been his fellow ambassador at Rome (see § 131, note 50); he wrote to the magistrate in Nuremberg dd. 18 Oct. 1460 (in *Brown*, p. 125): Quidam ex patre Diabolo mendaciorum artifice natus, Gregorius de Heymburg nomine, — a nostra solemní declaratoria sententia, qua — impium Sigismundum — juris scripti penas declaravimus incurrisse, a nobis ad futurum Concilium improbam, nefariam, temerariam, seditiosam denique appellationem dictavit. Et illius interpositionis per dictum Sigismundum facta ipse dictator in originali instrumento Florentiae ad valvas Ecclesiæ affixo testis inscribitur. Quod guia loquax ille, presumptuosus et præceps, mendax atque turbulentus, temerarius ob istud facinus excommunicatus existit, criminaque et penas incidit læsæ majestatis atque hæresis, adeo ut ultra execrationem honore omni et bonis jure sit privatus; Devotiones vestras in Domino requirentes admoneamus, hujusmodi pestiferum hominem pro tali excommunicato habeatis; — ipsumque non solum vitetis, sed procul ejiciatis ab oppido et dominio vestro; et bona, quæcunque habet apud vos, tam mobilia quam immobilia, fisco vestro applicetis; et alia omnia faciat, quæ contra hereticos de jure canonico fieri mandantur. Gregory answered this bull by an appeal *Appellatio ad Concilium futurum* (in *Goldast*, p. 1592. *Brown*, p. 126), in which he speaks most contemptuously of the Pope: e. g. voluit Papa ipse abuti potestate sua, — et sub velamento militaris expeditionis in Turcam instaurandæ facultates Germaniæ — medullitus exhaustire. — Ipse aliquando andiet, quid gesserit, qualem vitam egerit, et quid apud Comas: sed represso me, etc. — Mihi satis est didicisse civiles sententias etc. — ipse in numero sit illorum, qui putant hæc omnia vi et artificio rhetorum contineri. Ergo si Papa ob id facinus me excommunicatum dicit, quis erit ejector ipso, qui præter verbotatem nihil habet in se virtutis? He, in especial, confutes the assertion of the Pope, Concilium supra Papam non esse, and maintains the right of appeal to general councils. To this appeal *Theodorus Lætius* Episc. Feltensis, Referendarius Apostolicus replied (see *Goldast*, p. 1595), and Gregory rejoined in the *Apologia contra detractiones et blasphemias Theod. Lætii* (in *Goldast*, p. 1604). Pius II. then summoned dd. 22 Jan. 1462, (*Raynald*, 1461, no. 11) the Grand Duke before his tribunal as de damnatissima hæresi, quæ est omnium hæresum hæresi, non solum

Aug. 1461, Pius had arbitrarily deposed the archbishop Diether of Mayence; ³⁰ but the sentence, notwithstanding the emperor's support,

suscipit notorie, sed sensibiliter maculatum, tanquam sacræ fidei non recipientem articulum: — *Credo in unam Sanctam et Apostolicam Ecclesiam.* Nam cum ipsius Ecclesiæ Romanus Pontifex caput sit, canonesque et censuræ sic sint Ecclesiæ, quod quisque in Ecclesia positus et credens capitï, canonibus et ejus censuris teneatur obediens; dictus quidem Sigismundus non solum illis non obedit, sed prædicat insuper, quod minime obediens teneatur. Sigismund not appearing, both he and Gregory were again excommunicated die cœnæ Domini (*Gobellinus*, lib. VIII. p. 203). Sigismund received absolution, A. D. 1464, compare *Jacobi Picolomini* Card. Papiensis Epist. 282 (appended to *Gobellinus*, p. 668): Sigismundus — divino tandem est humiliatus in iraculo, atque eo quidem usque humiliatus, ut Romanorum Imperator, — consanguinitate illum attingens, cum summa Sedis gloria ante genua Legati apostolici procidens non ante surgendum putaverit, — quam pœnitenti et satis pro injuriis facienti pœnarum abolitionem, restitutionemque est consecutus. But Gregory persisted in his opposition to the Pope, being first for a long time on the side of the archbishop of Mayence, and then taking up the cause of George Podiebrad, king of Bohemia, till at length, shortly before his death, 1472, he too asked for absolution, and received it at Dresden. See an account of these last events taken from the records by J. G. Horn in d. Nüssl. Sammlungen zu einer histor. Handbibliothek von Sachsen. Th. 4. (Leipzig, 1728. 4to.) S. 382 ff.

³⁰ Diether was chosen in June, 1459, and confirmed by Pius II. after various negotiations in Mantua, 1460. The bull of deposition, 21 Aug. 1461 (see *Raynald*, 1461, no. 21, complete in Müller's *Reichstagstheatrum*. Th. 2. S. 31) gives as the ground of the sentence, that Diether had gained a majority for his election by bribery. The Pope, to whom this was unknown, had stipulated, when asked to confirm the choice, in consideration, quam conventui Mantuanensi — sua præsentia admodum utilis esset, that Diether, sicut jura volunt, should appear for the purpose personally: he, however, had evaded the condition modo corporis infirmitatem, modo pauperiem prætendens, so that the Pope at length gave the confirmation to his procurators: procuratores Dietheri ejus nomine et in animam ejus ea nobis juraverunt, quæ ceteri Episcopi Romanis Pontificibus jurare consueverant, et ultra hoc venturum ipsum personaliter infra annum ad præsentiam nostram. However, he had disappointed all the hopes entertained of him: cum — expectacimus, hunc hominem — ea curare, quæ pro tutela Christianæ religionis in Mantuensi conventu concluseramus, invitare homines sue nationis ad expeditionem contra Turcos obeundam, ad obediendum in ea re carissimo filio nostro, Friderico Römanorum Imperatori Augusto, ad quem idcirco legatum de latere miseramus ad parandos exercitus, ad solvendas decimas, ac vigesimas et trigesimas contribuendas, et alia præsidia præstanta; homo in reprobum sensum datus — mox cornua erexit in Apostolicam sedem, — Legatum nostrum calunniatus est, qui decimas conaretur exigere, quibus copiæ contra Turcos armari possent, palamque dicere non est veritus, nos argentum nationis, non fidei defensionem quærere (this refers to the negotiations in Vienna, and the appeal of the electors, note 28). — Inter hæc accidit, ut ad instantiam mercatorum, qui pecunias Apostolicæ sedi debitas sibi mutuo concesserunt, cum iam satisfactionis tempus præterisset, Dietherus ipse excommunicaretur absque nostra conscientia: nam id per judices inferiores in forma Camera fieri solet. Quod ubi ad ejus notitiam pervenit, — non recurrat ad nos, — sed — Apostolicam sedem blasphemans confictio quodam infamatorio libello ad futurum Concilium contra Mantuanam bullam appellavit, excommunicationem ipso facto, a qua nisi a nobis absolví non potest, et alias poenas contra reos majestatis et hæreticæ pravitatis fautores a jure fulminatas incurrens. Nec animo irreverenter et infrunctorum satis fuit, primam sedein his modis conteupsiisse, nisi et divina quoque contemneret, illis se publice immiscens palam et notorie excommunicatus, et in irregularitatem incidens. The next charges were that he had not appeared before the Pope within the year according to his oath, and that he had summoned a convention of the princes at Frankfurt against the rules of the emperor. That the Pope had then sent legates to him, qui male vadentem retraherent et in viam reducerent: and that they went to the convention of the princes

was far from decisive, and the contest which ensued ended not in

which had been transferred by Diether to Mayence; at which, notwithstanding their remonstrances, he had admitted the excommunicated Gregory of Heimburg, as Sigismund's ambassador. His propositions against the Pope not meeting with acceptance, he had, privately to the ambassadors, abandoned his appeal; but very soon after he returned to his old course. On these accounts he was deposed. Another bull, dated the same day (see Müller, S. 35) appoints Adolphus, count of Nassau, to be his successor. The true state of the case, however, is evident enough even from the Pope's bull of excommunication; but still more so from the writings of Diether, especially from the appeal mentioned in the bull (in *Senckenberg Selecta juris et histor. T. IV.* p. 393), from the answer to the bull, dated Thursday after Michaelmas, 1461 (see Müller, S. 38), and from a second work printed at Mayence, dated Tuesday after the Sunday Lætare, 1462 (in *Lemann's Speyerscher Chronik Buch VII. Cap. 105.* S. 859). The first charge of Simony he refutes by an account of the election, making it appear that he was chosen unanimously (Müller, S. 39). In Mantua the Pope had demanded of the ambassadors of the electors (see *Appellatio in Senckenberg IV.* p. 393), quatenus se nomine nostro obligant, ne futuro Concilio daremus operam, neve Principes Germanicæ nationis convocaremus. As they were unwilling to assent to this, they were dismissed without having concluded the business on which they came: some months after, however, a second embassy was sent to the Pope, to obtain a confirmation of the election without the obnoxious conditions. Cum autem Oratores nostri, antequam ad Cameram Apostolicam pervenissent, litteras nostras atque efficacem obligationem facere cogebantur pro Annata ipsi Cameræ persolvenda, qua præstata et recepta illoco eis nuncupata est quædam pecuniarum summa gravissima, scicet XXM. VC. et I. floren. Rhenensium: obstupuerunt Oratores nostri, nec tamen aliter litteras extrahere potuerunt, nisi in illa obligatione persisterent. Cumque de gravi taxa conquererentur, nihil aliud supererat, quam Cameræ ipsi Apostolicæ de taxa expressata [satisfacere], subordinatis etiam numulariis, camporibus vel mercatoribus appellatis, qui obligationem respectu Cameræ Apostolicæ in se repererunt, et a nostris Oratoribus, nedum nostro verum etiam ipsorum propriis nominibus, obligationem seu cautionem acceperunt. Et ita Oratores nostri una cum litteris confirmationis et cæteris, quæ ad consecrationem obtinendam requiruntur, a Romana Curia dimissi sunt. Nos vero admirati, cur tanta summa a nobis exigeretur, cum tamen a prædecessoribus nostris longe minor fuerit persoluta, sciscitati sumus, quænam vera taxa esset ab Ecclesia Magunt. Cameræ Apostolicæ debita. Cum vero in hujusmodi investigatione fluctuaremus ambigue nonnihil, certe suminam pecuniaruin persolvimus, ut jam putaremus illi summae satis approxinquare, quæ a prædecessore nostro tempore suæ confirmationis fuit persoluta. Obtulimus ergo et nunc offerimus talem summam, qualem prædecessor noster exposuit, seu quæ de jure vel antiqua consuetudine ipsi Cameræ Apostolicæ ab Ecclesia nostra debita esset. Papa vero, his non contentus, processus pœnales contra nos et Oratores nostros supradictos dicitur instituisse, aut comminatur instituere velle. Nobis vero allegantibus, quod ad solutionem promissio a nobis et a nostris extorta est, et error factus, qui nos merito excusat: — responsum est nobis, jam non agere contra nos Romanum Pont. et Collegium Cardinalium, sed mercatores illos, qui se debitores pro nobis constituerunt, quibus et nos de sua cavinus indemittate; ideo, si Camera nos gravasset, nihilominus mercatoribus illis indemnitatem promissam exequi teneamur. Quod et nos profecto justum censeremus, nisi collusio expressa sufficienter mercatoribus ipsis obstaret, qui agentibus Cameræ subordinati et submissi machinationis hujusmodi non erant inscii. Quod etiam ex hoc fonte clarius deprehenditur, quod, cum mercatores ipsi pecuniam constitutam Dominis Cardinalibus exsolverunt, ipsi sibi caverunt, quod si pecunia illa ipsis mercatoribus per nos soluta non fuerit, mercatoribus ipsis a Dominis Cardinalibus persolveretur, prout ipsum Card. litteris ad nos missis clare edociti sumus. The papal legate at the Diet of Mayence, Rudolph of Worms, denies this charge concerning the Annates (see *Gobellinus, lib. VI.* p. 144): mentiti omnes sunt, qui vel nummum unum abs te flagitatum asserunt ultra summam in Camera prætaxatam: decem millia auri nummum principalis taxatio requirit, minataque quæ vocant servitia et litterarum expeditio, et oratorum sumptus circiter quatuor millia deposcunt. — Ecclesia Treverensis, quæ multo minor est, sub Calisto tertio triginta

the victory of the Pope, but a compromise sufficiently favorable to Diether (Oct. 1463).³¹ In Germany, where the liberal *Aeneas Sylvius* was not yet forgotten, the very different course pursued by Pius II., excited a mingled feeling of disgust and doubt. This led him to address the Bulla *retractionum* to the University of Cologne (April 26, 1463), which served, however, rather to make the difference more striking than to excuse it.³² In France his success was

millia dedit. But all that is hereby proved is that the banker had a private understanding with the court for his own interest. According to the Concordat of Aschaffenburg, which in this respect agrees entirely with that of Constance (§ 130, note 19), one half the Annates were to be paid in the first year, the other in the second.

³¹ The war between Diether and his rival, Adolphus of Nassau, in which the former had the advantage through the assistance of Frederick I., Elector Palatine, was ended by the treaty of Zeilshiem on the 12th of October, 1463 (see *Serrarii Rer. Mogunt. ad Johannis*, T. II. p. 192 seq.), which was confirmed at Frankfurt on the 26th of October, and approved also by the papal legate. By this treaty, Diether resigned the dignity of archbishop, but was invested for life with various privileges, and exempted from the jurisdiction of the archbishop (*Gudenus Codex diplom.* T. IV. p. 368). The satisfaction of the Pope that the matter should end thus, is seen in his letter to Diether (see *Gudenus* IV. p. 371), in which he loads him with praises and promises. A full account of these negotiations, though partial to the Pope, in *Gobellinus*, lib. III. p. 64; lib. VI. p. 143 seq.; lib. IX. p. 220; lib. XII. p. 345. Comp. especially Kremer's *Gesch. des Kurf. Friedrichs I. v. d. Pfalz.* Frankf. u. Leipz. 1765. 4to. S. 210 ff., 244 ff., 353 ff. Diether von Psenburg, Erzb. u. Kurf. v. Mainz. Erster Theil (reaches to 1462) Mainz. 1789. 8vo.

³² This bull, with abbreviations, in *Raynald*, 1463, no. 114 seq. Complete in *Harduni Concill.* IX. *Hartzheim Conc. Germ.* V. p. 945: *In minoribus agentes, nondum sacris Ordinibus initiati, cum Basileæ inter eos versaremur, qui se generale Concilium facere, et universalem Ecclesiam representare aebant, dialogorum quendam libellum (namely, his *Pentalogus de rebus Ecclesiæ et Imperii in Pezii thes. anecdotorum novissimo*, T. IV. P. III. p. 639) ad vos scripsimus, in quo de auctoritate Concilii generalis, ac de gestis Basileensium, et Eugenii Papæ contradictione ea probavimus vel damnavimus, quæ probanda vel damnanda censuimus: quantum capiebamus, tantum defendimus aut oppugnavimus: nihil mentiri sumus, nihil ad gratiam, nihil ad odium retulimus. Existimavimus bene agere et recta incedere via, nec mentis nostræ aliud erat objectum, quam publica utilitas et amori veri. Sed quis non errat mortalis? — Declinavimus et nos ab utero matris, erravimus in invio et non in via, ambulavimus in tenebris, et procul a vera luce recessimus: nec nobis tantum erravimus, alios quoque in precipitum traximus, et eæcis ducatum præbentes cæci cum illis in foveam recidimus. Forsitan et aliquos ex vobis scripta nostra deceperem, et in devia deduxerunt, quorum sanguinem si de manibus nostris requisierit Dominus, non habemus quod respondere possimus, nisi nos ut homines peccavisse, qui arbitrantes rectum iter ostendere obliquum monstravimus. In misericordia tantum Dei spes nostra sita est. — Utinam latuisserent quæ sunt edita! nam si futuro in sæculo manserint; aut in malignas mentes inciderint, aut incautis fortasse scandalum parient: qui hæc scripsit, inquiet, in beati tandem Petri cathedra sedet, et Christi salvatoris vicarium gessit: ita scripsit *Aeneas*, qui postea summum Pontificatum adeptus Pius II. appellatus est, nec inrenitur mutosse propositum: qui eum elegerunt et in suum Apostolatus vertice collocarunt, ab iis scripta ejus approbata videntur. Verendum est, ne talia nostris aliquando successoribus objiciantur, et quæ fuerunt *Aeneas* dicantur Pii, atque ab ea sede auctoritatem vendicent, adversus quam ignoranter latraverunt. Cogimus igitur, dilecti filii, b. Augustinum imitari, qui cum aliqua in suis voluminibus erronea inseruisseisset, retractationes edidit. Idem et nos faciemus: confitebimus ingenuæ ignorantias nostras, ne per ea, quæ scripsimus juvenes, error irrepit, qui possit in futurum Apostolicam sanctam sedem oppugnare: nam si quem decuit umquam Romani primique throni eminentiam et gloriam defendere ac extol-*

not much greater. In answer to his attacks on the Pragmatic Sanction at Mantua,³³ Charles VII. appealed to a general council (1460);³⁴

lere, nos illi sumus, quos sine ullis meritis pius et misericors Deus sola dispensatione sua ad b. Petri solum, et dilectissimi filii sui, domini nostri Jesu Christi, vicariatum evocavit. Quibus ex rebus dilectiones vestras hortamur, et in Domino communemus, ne prioribus illis scriptis inhæreatis, aut fidem ullam prestatetis, quæ supremam Apostolicae sedis auctoritatem quovis pacto elidunt, aut aliquid adstruunt, quod sacrosanta Romana non amplectitur Ecclesia: suadete omnibus ut id solum præ ceteris veneretur, in quo salvator Dominus suos vicarios collocavit. — Requirit autem ordo, ut inferiora a superioribus gubernentur, et ad unum tandem perveniatur tanquam principem et moderatorem cunctorum, quæ infra se sunt. Sicut grues unam sequuntur, et in apibus unus est rex, ita et in Ecclesia militante, quæ instar triumphantis se habet, unus est omnium moderator et arbiter, Jesu Christi vicarius, a quo tanquam capite omnis in subjecta membra potestas et auctoritas derivatur, quæ a Christo Domino Deo nostro sine medio in ipsum influit. — Petrus igitur et successores ejus Romani Pontifices primatum in Ecclesia tenuerunt, et nos hodie, quamvis indigni, sola Domini voluntate digni, tenemus: et quicunque Romanæ secundum canonicas sanctiones præficitur Ecclesiæ, quam primum electus est in sacro collegio, supremam a Deo potestatem sine medio in ipsum influit. — Petrus igitur et successores ejus Romani Pontifices primatum in Ecclesia tenuerunt, et nos hodie, quamvis indigni, sola Domini voluntate digni, tenemus; et quicunque Romanæ secundum canonicas sanctiones præficitur Ecclesiæ, quam primum electus est in sacro collegio, supremam a Deo potestatem sine medio consequitur, et per ordinem in omnem diffundit Ecclesiam: cuius peccata divino judici punienda relinquuntur. Si quid adversus hanc doctrinam inveneritis aut in dialogis, aut in epistolis nostris, quæ plures a nobis sunt editæ, aut in aliis opusculis nostris (multa enim scripsimus adhuc juvenes), respuite atque contemnите; sequimini quæ nunc dicimus, et seni magis quam juveni credite, nec privatum hominem pluris facite quam Pontificem: Aenean rejicite, Pium recipite: illud gentile nomen parentes indidere nascenti, hoc christianum in Apostolatu suscepimus. Dicent fortasse aliqui, cum Pontificatu hanc nobis opinionem advenisse, et cum dignitate mutatam esse sententiam. Haud ita est, longe aliter actum. Audite, fili, conversationem nostram. He then goes on to relate how he came to Basil in 1431, as a young man, and was led by the prevailing feeling there and the authority of great names, to take part with the Council against the Pope; that he was first startled by the behaviour of the emperor, and at his court came to the conviction of his error. He closes with remarks on the necessity of a monarchy in the church, and the claims of the Holy See.

³³ See *Pii, P. II. responsio ad orationem Oratorum Gallicorum in d'Achery Spicilegium III. p. 811 seq.*, which begins with defending at length the course pursued by the Pope in supporting Ferdinand, king of Naples, against the pretensions of the house of Anjou, and then, p. 820, passes to the Pragmatic Sanction: Cæterum quia Pragmaticæ Sanctonis superius incidit mentio, cuius secreta magis pulsavimus quam aperiuimus, urget nos conscientia, imo vero caritas, qua genti vestrae devincti sunius, priusquam dicendi finem facimus, de ea aliqua libare: ne taciturnitas nostra indulgentia reputetur, et quod sanabile vulnus est, fiat mortale, et nos a consortio vestro oporteat abstinere: quoniam sicut in veteri lege (Lev. xxi. 11) sanctum est, *super omnem animam, quæ mortua est, non ingredietur Pontifex*: quod teste Hieronymo perinde accipendum est ac si dicat, ubicumque peccatum est et in peccato nois, illuc Pontifex non accedat. Cupimus sanctam esse Francorum gentem, et omni carere inaequa: — at hoc fieri non potest, nisi hæc Sanctonis inaequa seu ruga deponatur, quæ quomodo introducta sit ipsi nostis. Certe non auctoritate generalis Synodi, nec Romanorum decreto Pontificum recepta est, quamvis de causis ecclesiasticis tractatus absque placito Romanæ sedis stare non possit. Ferunt aliqui idecirco initium ei datum, quia nimis onerarent Romani Pontifices Regnum Franciæ, nimiasque pecunias inde corraderent. Mirum si hæc ratio Carolum movit, quem prædecessoris sui magni Caroli decebat imitatorem esse, cujus hæc verba leguntur: *In memoriam b. Petri Apostoli honoremus s. Romanam Ecclesiam: — et licet vix ferendum ab illa s. Sede imponatur jugum, tamen feramus, et pia devotione toleremus* (rather Conc. Tribur. ann. 895, c. 30, see § 25, note 4). Non est credibile Carolum, qui modo

and though the Sanction was annulled by Louis XI., 1461, in the hope of gaining the Pope's support for the claims of the house of Anjou on Naples,³⁵ yet when he found himself foiled in this, he

regnat, suo sensu hanc Pragmaticam introduxisse. Deceptum putamus, et piæ menti suggesta fuisse non vera. Nam quo pacto religiosus Princeps ea servari jussisset, quorum prætextu summa sedis Apostolice auctoritas lœditur, religionis nostræ vires enervantur, unitasque Ecclesiæ et libertas perimitur? — Non ponderamus causarum auditionem, non beneficiorum collationem, non alia multa, quæ curare putamur. Illud nos angit, quod animarum perditionem ruinamque cernimus, et nobilissimi Regis gloriam labefactari. Nam quo pacto tolerandum est Clericorum judices laicos esse factos? Pastorum causas oves cognoscere? Siccine regale genus et sacerdotiale sumus? Non explicabimus honoris causa, quantum diminuta est in Gallia sacerdotalis auctoritas. Episcopi norunt, qui pro nutu sœcularis potestatis spiritualem gladium nunc exercent, nunc recludent. Præsul vero Romanus, cuius parochia orbis est, cuius provincia nec oceano clauditur, in regno Francia tantum jurisdictionis habet, quantum placet Parlamento. Non sacrilegum, non parricidam, non hæreticum punire permittitur, quamvis Ecclesiasticum, nisi Parlamenti consensus adsit; cuius tantam esse auctoritatem nonnulli existimant, ut censuris etiam nostris præcludere aditum possit. Sic judex judicium Romanus Pontifex judicio Parlamenti subjectus est. Si hoc admittimus, monstruosam Ecclesiam facimus, et hydram multorum capitum introducimus, et unitatem prorsus extinguiimus. Periculosa hæc res esset, venerabiles fratres, quæ hierarchiam omnem confunderet. Nam cur Regibus, cur aliis Præsulibus sui subidi pareant, cum ipsis superiori suo non pareant. Quam quisque legem in alium statuit, eam sibi servandam putet. Verendum est, ne prope adsit, quod ad Thessalonicenses (2 Thess. ii. 3) significare videtur Apostolus, *quia post discessionem revelabitur homo peccati*. Adventum quippe Antichristi sollicitant, qui discessionem a Romana Ecclesia querunt, qualem præ se ferre videntur, quæ sub obtentu Pragmaticæ Sanctionis tieri dicuntur. Sed credimus hæc, ut ante diximus, Regi vestro incognita esse, cuius natura benigna est, et inimica mali. Docendus est et instruendus, ne pestem hanc in suo regno debacchari amplius et animas interficere sinat. Vos Episcopi lucernæ estis ardentes coram eo, et candelabra lucentia in domo Domini: sic lucete, ut lux vestra tenebras omnes ac caligines Pragmaticæ Sanctionis ex nobili et christianissima Francorum gente depellat; solunque lumen solis, id est veritatis splendor et veritas eluceat. Quod si Rex vester opera vestra fecerit, et vos mercedem Prophetæ recipietis a Domino, et ipse, par suis progenitoribus majorque, per omnes orbis Ecclesias, et in Romana potissimum, jure merito et erit et vocabitur Christianissimus.

³⁴ *M. Jo. Dauvet* Procuratoris generalis protestatio nullitatis et appellatio ad futurum Concilium contra orationem Pii II. Pont. habitam in Conventu Mantuano, comminationes ejusdem et censuras publicatas in Carolum VII. Regem Francorum dd. 10 Febr. 1460 (namely, more Gallicano, i. e. 1461) in the *Preuves des libertez de l'Église Gallicane*, chap. 13, no. 10, and in *Richerii hist. Concill. generall. lib. IV. P. I. c. 1.* The king admonishes the Pope, ut rem ipsam maturius atque brevius digerat et consulat, — ut cum sacris generalibus Conciliis pacem soveat. He then calls on him, Concilium plenarium orbis congregare in loco tuo ac libero. — Quod etiam hic maxime necessarium esse videtur pro succurrere fidei orthodoxæ: nam licet plura hinc inde invocentur auxilia, et diversæ pecuniârum summæ variis modis hujus rei prætextu haec tenet petita et collectæ sint, parvum tamen aut nullum efficax adversus invasores christiane religionis — præstatum, dum differtur nimium plenarii Concilii provisio. — Et jam tempus decem annorum effluxum dudum est, in quo secundum instituta magnæ Synodi Constantiensis ipsum Concilium debebat celebrari. Illis vero, quæ in præfato Concilio determinabuntur, Rex devoto et benigno animo acquiescere paratus erit. — Si sanctissimus Dominus noster celebrationem plenarii Concilii in loco libero — facere recusaverit, aut nimium distulerit; volens ipse Dominus noster Rex, quantum in eo erit, necessitatì fidei orthodoxæ et universæ Ecclesie succurrere, intendit alios Principes Christianos exhortari, ut omnes unanimiter universalem Ecclesiam in plenario Concilio congregari laborent.

³⁵ John Godefroy, bishop of Arras, was appointed by the Pope to persuade Louis to the step (*Gobellinus*, lib. VII. p. 183): Pius then in a letter, dd. 26 Oct. 1461

showed no disposition to compel the Parliament to retract their resistance to the measure; and the only consequence was that the French church was left in a fluctuating and uncertain state.³⁶ All

(Æneæ Sylvii Ep. 401, and in *Raynald*, 1461, no. 113, where, however, the beginning is wanting), urges the king to act at once, and as early as dd. 27 Nov. 1461, received the answer (l. c. Ep. 402, in *Raynald*, l. c. no. 118): Pragmaticam a regno nostro — per praesentes pellimus, dejicimus, stirpitusque abrogamus, et quam qualemve ante Pragmaticas ipsius editionem circa Ecclesiarum, beneficiorum, aliarumque rerum spiritualium dispositionem, censuram, moderationem in regno nostro — tui prædecessores Martinus V. et Eugenius IV. Romani Pontifices habebant et exercebant, talēm candide nōst̄o adjutori beatissimo Petro, tibique successori ipsius reddimus, præstainus et restituimus cum summo imperio, cum judicio libero, cum potestate non coarctata. Tu enim cūn scias quid auctoritate divinitus tibi tradita possis, quas pro regū nōstrī et Ecclesiarum in eo tranquillitate postulabimus, non negliges res necessarias, poterisque semper quod optimum fuerit judicare. In gratitude for his services, the Pope made the bishop of Arras cardinal (*Gobell.* p. 184). He (the cardinal) began now to write concerning the matter of Sicily: he states that only by yielding the point, the Pope regis animum placari posse, et Pragmaticam Sanctionem certissime sublatum iri. Louis had said distinctly to the Episc. Interamnensis: ita denum Pragmaticæ Sanctioni finem imponere, si de regno Sicilia ei mos gereretur (l. c. p. 186). Soon after this, A. D. 1462, a French embassy appeared at the papal court to announce formally the abolition of the Pragmatic Sanction, which occasioned great rejoicings. As to Sicily, however, the Pope was not to be moved (l. c. p. 187 seq.). Equally ineffectual was an angry letter from Louis, and the threat that all the French would withdraw from Rome (*Gobell.* lib. VIII. p. 207).

³⁶ See in general the bull *Primitiva* of Leo X., below, § 134, note 18. The change in the king's feelings is evident from the following ordinances: dd. 17 Febr. 1463 (i. e. 1464) in the *Preuves des libertez de l'égl. Gall.* chap. 22, no. 21: Pius Papa modernus bona Prælatorum et virorum ecclesiasticorum decedentium, tam sacerdotalium quam regularium, quæ nonnulli spolia defunctorum appellant, necnon dimidiā partem fructuum tam beneficiorum incompatibilium, quæ dicti viri ecclesiastici, et illorum, quæ in commendam obtinent, ac etiam certam portionem seu quotan bonorum et personarum sacerdotalium, tam mobilium quam non mobilium, ejus Cameræ Apostolicæ per certas ejus constitutiones seu literas, a paucis diebus ut dicitur apud Romanas editas, Apostolica esse statuit et decrevit. As the consequence of this must be oppression, poverty, and suffering, and the rights of the crown were in danger, the king orders, ut subsidia et onera præmissa, ac alia similia, quæ Collectores, Subcollectores, atque alii Officiarii seu Commissarii Romanorum Pontificum — levare et exigere mitterentur, minime levabuntur, colligentur, aut exigentur. All magistrates were to take care that every infringement of this order should be punished, dd. 13 Aug. 1464, l. c. no. 22: As this order was not universally obeyed, however, and many of the clergy paid their taxes, as plusieurs s'efforcent par bulles et commissions Apostoliques, proceder par excommunicinens, fulminations, et censures ecclésiastiques, et privation de benefices contre les gens d'Eglise de nostre dit Royaume, qui refusent, ou different de payer les despouilles des trespasses, et la moyt̄ des benefices incompatibles, et des commandes; the king commands, que ausdits Commissaires ou Executateurs ne soit obey: mais leur soit prohibé et defendu de faire lesdites exactions, sur peine de confiscation de corps et de biens, et de bannissement de nostre Royaume. So too he forbids his subjects to pay their demands under a penalty of exile and confiscation, dd. 10 Sept. 1464, l. c. no. 23: Although, according to the laws of the French church, no graces expectatives were allowed to be granted, yet depuis l'obeyssance par nous faicté à feu nostre sainte Pere le Pape puis dernierement et n'aguères trespassé they had been granted en si grand et excessif nombre et multitude et à toutes manieres de gens, tant estrangers et non lettrés, qu'autres personnes quelconques, que la chose est venue à telle confusion, qu'à peine y avoit homme d'Eglise en nosdits Royaume et Dauphiné, qui à cause d'icelles graces se peult dire seur en l'assécuracion d'aucun benefice, à l'occasion des Anteferri, et autres clauses et prerogatives, qui ont esté mises en icelles graces

these political embarrassments lained the efforts of Pius against the Turks. His strange attempt (in which, however, he was still imitating the old popes) to convert the Sultan Mahmoud to Christianity in a long letter (1461),³⁷ was of course unsuccessful. At length he resolved to lead on the crusade himself; but even this announcement (1463),³⁸

expectatives, diversitez de regles de Chancellerie Apostolique derogatoires à droit commun, et autrement. By this means much money had gone out of the country; the applicants became poor; the lives of those who were in possession of the benefices were endangered; and unknown strangers were often introduced into them. The king, therefore, forbids his subjects, que d'oresenavant ils n'aillent, n'envoyent, soit par bulles (*par billets*), lettres de change n'autres moyens quelconques, querir, pourchasser, ne obtenir en Cour de Rome graces expectativas; further, qu'aucun d'eux voysent, ou envoyent en ladite Cour de Rome pour avoir, n'obtenir quelques Eueschez, — ou autres benefices electifs, sans premièrement avoir nos vouloir et consentement de ce faire, le tout sur peine d'encourir nostre indignation, de perdre les deniers, dont leurs procureurs — seroient trouvez saisis par bulles, lettres de change, ou autres pour porter et envoyer en ladite Cour de Rome à la cause dessusdicté, et d'amende arbitraire envers nous. As to those who might already have received these gratias expectativas, the authorities were charged, qu'ils les contraignent à eux en desister et departir; et à revoquer, faire casser et annuler à leurs despens tout ce qu'ils auroyent fait au contraire. That this did not prevent the evil complained of is seen from the representation of the parliament to the king, A. D. 1465 (not 1461, see § 17, laquelle loy — the Pragmatic Sanction — a été gardée jusques puis quatre ans, et par le tems de vingt-deux et vingt-trois ans a duré), given in a Latin translation by *Franc Duarenus* de sacris ministeriis et beneficiis. Paris, 1551. p. 332 seq., and thence by *Flacius* in the Catal. test. verit. no. 179, in the original French by *Jean du Tillet* in the Mémoire sur les libertez de l'Eglise Gallicane in his Recueil des Roys de France, à Paris, 1607. 4to. P. III. p. 339: In the introduction they speak of the cassation, que l'on dit avoir été des decrets, constitutions et ordonnances appellées la Pragmatique Sanction, a proof enough that this was not acknowledged by the parliament. § 72: Et par experiance, quæ est rerum magistra, soit avisé et consideré à l'evacuation, qui a été si excessive depuis la cassation de ladite Pragmatique, que par experiance l'on cognisse et appare, comment ce Royaume est presque tary (drained) d'or principalement: tellement qu'il n'est demouré que monnoye. In the following sections follows a calculation of the immense sums which have been carried to Rome since the annulment of the Pragmatic Sanction, tempore Pii et de present for Annates, gratias expectativas, etc.; and an account of the ruin brought on the churches by these proceedings.

³⁷ Which see in *Æneæ Sylv.* Ep. 410, and in *Raynald*, 1461, no. 44 seq.

³⁸ dd. 22 Oct. 1463, see *Æn. Sylv.* Ep. 412, partly also in *Raynald*, 1463, no. 29 seq. e. g. Et quis erit Christianorum tam feri, tam lapidei, tam ferrei pectoris, qui audiens, Romanum Pontificem b. Petri successorem, Domini nostri Jesu Christi vicarium, aternæ vitæ clavigerum, patrem ac magistrum universorum fidelium cum sacro senatu Cardinalium Clerique multitudine in bellum pergere pro tuenda religione, libens domi remaneat? Et quæ poterit excusatio quemquam juvare: senex, debilis, ægrotus in expeditionem pergit, et tu juvenis sano ac robusto corpore domi delitesces? Summus sacerdos, Cardinales, Episcopi prælium petunt, et tu Miles, tu Baro, tu Comes, tu Marchio, tu Dux, tu Rex, tu Imperator, in adibus propriis otiaheris? Siccine perverti hominum officia patieris, ut quæ sunt Regum sacerdotes agant, quæ nobilitati convenient, subire Clerum oporteat? Necessitas ire nos urget, quia non possuinus alio pacto pro divinae legis defensione Christianorum animos cominovere. Utinam hoc modo commoveamus! After announcing the full absolution accorded to all who shall accompany this crusade, or contribute to it, with the assurance: Non dubitantes, quin animæ illorum, quos ad hoc bellum profici sci bona mente contigerit, eum beatissimis ss. Patrum et Angelorum Dei spiritibus post hanc vitam in cœlestibus sedibus collectentur, et consortes imperpetuum Christi factæ aeterna felicitate fruantur; he says: In tanto Christianæ religionis discrimine, quantum a Tureis impræsentiarum cernitur imminere, nulli dubium esse debet, quin Christiani omnes, tam Reges et

which once would have arrayed all the sovereigns and nations of Christendom at his side, could now only bring together a useless rabble.³⁹ Pius determined to accompany the Venetian fleet, but died before he could embark at Ancona, Aug. 15, 1464. His successor, Paul II.,⁴⁰ began his career with the most flagrant desertion of the conditions prescribed before the choice.⁴¹ He continued to amass

Principes, quam alii potentatus, et privati homines ad defensionem catholicæ fidei et sanctæ legis evangelicæ juxta possibilitatem suam cum bonis et corporibus suis de necessitate salutis viriliter assurgere et indesinenter assistere teneantur. Ea propter fideles ipsos Jesu Christi cultores universos et singulos, cujuscumque status et conditionis fuerint, sive pontificali, sive imperatoria, vel regali præfulgent dignitate, harum serie moneamus ac requirimus, et in vim promissionis factæ in sacri susceptione baptisni et in vim juramenti præstiti, cum dignitatum suarum infulas suscepserunt, et per obedientiam nobis debitam, eis et eorum singulis mandamus, ut hanc sanctam expeditionem, ad quam profecturi sumus non sine maximo corporis nostri dispendio, modis quibus possunt quam celerime adjuvare, et promovere festinent: ab illo, enjus causa agitur, exuberantia suscepturi præmia et in praesenti vita et in futura: negligentes autem negligentur, et in extremo judicii die minime inter illos invenientur, quibus dicturus est Dominus: *venite, benedicti patris mei, percipite regnum, etc.*

³⁹ *Vita Pii II.* per Joh. Anton. Campanum Episc. Aprutinum (in *Muratorii Scriptt. Rer. Ital. III. II.* p. 990) relates that Pius was sick at his departure from Rome: Supra Oericulum maxime consternatus est obvia Crucesignatorum multitudine, quos moræ impatiens retinere Carvajalius (the cardinal who had been sent for the purpose) minime poterat, et agmine quum reverterentur, nec rapinis abstinebant: quo circœ Medici aversari eo spectaculo illius oculos, obducui lecticæ velum perpetuo itinere, causati ventos, jusserunt. *Jacobi Card. Papiensis Comment. lib. I.* (appended to *Gobellini comm.*) p. 357: Confluxerat eo loci turba multa ex variis gentibus: non satis considerate domo egressa. Etenim cum eos solos evocasset Pius peccatorum proposita venia, qui vel annum, vel anni dimidium suo stipendio in exercitu militarent: — illi tamen nescio quo inconsulto zelo compulsi veniendum statuerant, credentes stipendium ac victum ministrante Pontifice non defuturum. Cum autem non invenirent, quæ sibi animis finixerant, — venditis armis regrediebantur in patriam. Quorum nihilominus misertus ille, ne omnino frustra venisse se angerentur, decreti sui eos participes fecit (namely, according to *Platina*, p. 750: absolutos peccatis in patriam remisit). Erant vero inter hos, qui consideratius venientes tolerare ad diem præfinitam militiam possent. Horum ergo traducendorum causa naves Venetorum duas dies jam multos in horas singulas expectabat: sic enim illi facturos se ante receperant: sed cum ea diutius tardarent quam oportaret, qui superfuerant crucesignati moræ impatiens ceteratim abibant, ita ut non multo post appulsi jam navibus miles non superasset, qui illis posset imponi. Ea res causæ quoque plurimum accelerandæ mortis Pio dedit, dolente eo ac supra modum tristante, quod retineri in eam horam non potuissent.

⁴⁰ *Platina*, whom he treated with severity, returns it in his *Vitis Pontiff.* — Besides him, Michael. Cannesius de Viterbio and Gaspar Veronensis have written the life of this Pope (in *Muratorii SS. Rer. Ital. III. II.* p. 993 seq.). Important for the history of his reign are also *Jacobi Piccolominei Card. Papiensis* († 1479) *Rerum suo tempore gestarum commentarii*, libb. VII. (from 1464—1469) appended to *Gobellini comm.* Frf. 1614. p. 348 seq.

⁴¹ To the conditions which had been imposed on Eugenius IV. (see § 131, note 3) various others had gradually been added; comp. the capitulation of Pius II. in *Raynald*, 1458, no. 5. Those sworn to by the cardinals previously to the choice of Pius II., see in *Jacobi Card. Papiensis comm. lib. II.* p. 371: Jurabat vovebatque Deo sanctisque Apostolis Petro et Paulo, quisquis Patrum ad Pontificatum esset assumptus, inchoatam expeditionem in Turcos, quantum Romanæ Ecclesiæ paterentur opes, continuare, proventumque aluminis ad eam rem integrum adhibere; lapsos etiam curialium nostrorum mores ad Patrum discipli-

money for the war with the Turks, but without taking any active steps. Germany was lamed, not only by the indolence of the emperor and the slowness with which the Diets assembled, but also by the calls of the Pope to war against the heretic king of Bohemia, George Podiebrad.⁴² The adventurous pilgrimage of the emperor to Rome (1468) only added one to the number of useless negotiations.⁴³ In

nam restringere; Curiam porro ipsam de provincia in provinciam sine plurium ex Patribus — assensu — non transferre; Concilium generale Christianorum intra triennium cogere, in quo et Principes sœculi ad tuendam religionis causam accenderentur, a græque partes Ecclesiæ communi medicamento sanitatem recipient; Cardinales non ante creare, quam ii qui creati jam haberentur, intra viginti quatuor essent reducti, majoreisque hoc numero non pati in Ecclesia esse; neminem quoque assumere, qui non trigesimum annum excederet, quique non professus esset vel pontificium jus, vel civile, vel literas sacras; nec nisi unum eumque hujus generis hominem de cognatione sua eligere; in omnibus autem eligendis sententias Patrum non tacitas in aurem, ut ante, sed ex subscelliis ad declinando errores palam accipere; de majoribus insuper committendis sacerdotiis non nisi in Consistorio sententiis auditis decernere; jus ad ea nominandorum nulli omnino permittere; diplomata etiam non dare, quibus ad alienum arbitrium eadem se collaturum promitteret; si qua essent antea data, uno edicto adimere; non destituere sede sua Episcopum quemquam Abbatemve postulatione ulla principum, nisi et talionem ex juris forma in se ante reciperent, auditique rei solemni iudicio essent; non Cardinalem, remve suam apprehendere, nisi ex Patrum sententia; non damnare etiam, nisi ex synodali constitutione, cuius est initium *Præsul*; nil porro ex omni Ecclesiæ patronio, quod paulo insignius esset, in quemquam distrahere, aut ejus censem minuere, nisi et assenserint Patres, et concessione subscriperint; iisdem quoque non consulentibus nulli non subditio bellum inferre, aut ad inferendum fœdus quodquam inire; testamenta defunctorum Curialium libera sinere: portoria nova nulla inducere, nec vetera augere; Principi Potentati tributum de Clericis sine ratione nullum concedere; arcium custodes jurejurando, vadimoniusque adigere de iis vacante Sede Collegio reposcenti tradendis; eas, quæ essent momenti majoris, solis Clericis, qui tamen suæ cognationis non essent, committere; eundem vero et arcis custodem et præsidem civitatis non facere; Præsidibus provincia decadentibus administratorum omnium judices dare; ducem ecclesiastici exercitus ex suo genere non constitvere; nil in diplomatis factum dicere ex fratum consilio, quod ad verum consulentibus eis decretum non esset; denum primo quoque mensium omnium Consistorio imperare has leges ad innovandam memoriam ex scripto præsenti se recitari. Additum et his est, ut bis quotannis per Calendas Decembres Majasque Patres seorsum a Pontifice convenientes cognoscerent inter se, an servate illæ judicarentur: id si minus factum intelligenter, charitate, quæ filii in parentes est debita usque ad tertia rememorationis officia, transgressionis et perjuri illum monerent, ad servandumque precarentur. The flatterers of the Pope now persuaded him, indignum, vicariam Christi potestatem humanis conditionibus subdi; ipsumque non tam sui arbitrii, quam alienæ moderationis ministrum videri; querendam libertatem esse, idque agendum, ut auctoritatem Ecclesiæ apud se, non Cardinales esse omnes agnoscerent. By their advice he adopted the following expedient; novæ quædam leges quasi ex persona Patrum scribuntur, quarum erat obtentus, quod priores illæ cognoscebantur inutiles, induxisse eos has novas, quibus tantum obnoxium esse Pontificem vellent. The cardinals were prevailed upon to subscribe, partly by persuasion, partly by force; only one, Carvajal, persisted in his opposition.

⁴² He was excommunicated and deposed, December 23, 1466, and the German princes, together with the kings of Poland and Hungary, called upon to carry the sentence into effect, see Müller's *Reichstagstheatrum*, Th. 2, S. 263 ff. The war was at length begun by Matthias, king of Hungary, A. D. 1468, who had made peace with the Turks for the purpose. Müller, S. 311 ff.

⁴³ An account of it in *Jacobi Card. Papiensis* comm. lib. VII. p. 438 seq. Müller, Th. 2, S. 319 ff.

Italy the long negotiations with Ferdinand of Naples, who demanded an abatement of the customary tribute, ended in open war,⁴⁴ A. D. 1469. In France the efforts of the Pope to procure the formal annulment of the Pragmatic Sanction were foiled by the firmness of the Parliament (1467).⁴⁵

§ 133.

SIXTUS IV. (9 Aug. 1471 to 12 Aug. 1484), INNOCENT VIII. (29 Aug. 1484 to 25 July, 1492), ALEXANDER VI. (11 Aug. 1492 to 18 Aug. 1503).

See *Stephanus Infessura* (*Senatus Populique Romani Scriba s. Cancellarius about 1494*) *Diarium Romanae urbis* from 1294 – 1494 in *Eccardi Corpus. hist. med. ævi*, T. I. p. 1863, and in *Muratorii Scriptt. Rer. Ital.* III, II. p. 1109; in the last several passages are omitted which might have given offence.

Johannes Burchardus (of Strassburg, cæremoniarum Magister, from 1503 bishop of Horta, † 1506) *Diarium Curiae Romanæ* from 1484 – 1506. Fragments of the work given by Leibnitz in the *Specimen hist. arcanae s. anecdotaæ de vita Alex. VI. Papæ. Hannoveræ. 1696. 4to.* A fuller, but very inaccurate extract from the part relating to Alexander VI. *Eccard, corpus histor. medii ævi* T. II. p. 2017 seq. An account of the whole work in the *Notices et Extraits des MSS. de la Bibl. du Roi.* T. I. p. 68 seq. The best Ms. extract is that in Munich, see *Paulus Sophronizon.* Bd. 6. Heft. 1. S. 1. *Mittheilungen aus dem Carlsruher Ms. ebendas.* S. 6 ff. Bd. 8. Heft 6. S. 96 ff.

The state of morals amongst the cardinals may be judged of by the series of popes who now followed, and whose lives were marked by the most undisguised profligacy and wickedness. Sixtus IV. began indeed with urging on the war against the Turks, as energetically as his predecessor had done, and with as little success.¹ But his chief

⁴⁴ *Platina in vita Pauli*, p. 773. *Jac. Card. Pap. comm. lib. IV.* p. 393 seq. lib. V. p. 403 seq.

⁴⁵ The Cardinal Jean Balue, who was sent to France on this mission, obtained the wished for edict from the king without difficulty; but when he brought it to the parliament to be registered, it was openly opposed by Jean de saint Romain, Procureur général du Roi: the parliament rejected the edict, and the university appealed to a general council; comp. the Chronique scandaleuse in the Mémoires de Phil. de Comines ed. par Lenglet du Fresnoy. T. II. p. 66. *Preuves des libertes de l'église Gall.* chap. 13, no. 11. *Bulæ hist. Univ. Paris.* T. V. p. 684 seq.

¹ See the *Vita Sixti IV.* (probably by *Platina*) in *Muratorii Scriptt. Rer. Ital.* III, II. p. 1056: *Celebrata coronatione ad rem ecclesiasticam christianamque componendam animum adjicit. Concilio itaque tantam rem indigere arbitratus, ad Lateranum se id habiturum ostendit, quo bellum Turcis indici commodius posset, quemadmodum Pius Pontifex instituerat, si ei vivere licuisset. At vero dum hac de re maturius consultaretur, Imperator rem Christianam in magno discrimine cernens, Pontificem rogat, ut Utinum habendi Concilium locum idoneum deligat. Sed Pontifex, quum videret Mediolanensem Ducem, aliquotque populos et Italiae Principes id nequam approbaturos: quumque etiam proventus suos, belli nervos, absente Curia, imminui videret, non sine suspicione tumultus, si ab urbe*

ambition was to exalt his low-born family, and to this end he allowed himself to be led on by his nephew Girolamo Riario,² to steps which made still worse the distracted state of Italy, whilst they stained his own name, and hindered every undertaking against the Turks. He began with sanctioning the conspiracy of the Pazzi against the Medici at Florence, 1478;³ and on its failure, in revenge for the death of certain ecclesiastics who had been engaged in it, he bent all the force of his spiritual arms against Florence, and, in conjunction with Naples, of his temporal arms also.⁴ The universal feeling of

discederet, Mantuam primo, mox Anconam proponit, quo Imperator venire com-mode poterat. — Verum quum hac deliberatione rem in longum protrahi videret, Patrum consensu Legatos decernit, Bessarionem Nicænum in Galliam, Rodericum Borgiam Vicecancellarium in Hispaniam, Marcum Barbum in Germaniam Pannoniaque. — Oliverium Carafam Neapolitanum Cardinalem classi maritimæ in Turcas præfecit magna cum impensa. All without effect. The emperor, after many consultations, having desired a new one at the Diet in Augsburg, 1473, and requested that a papal legate might be appointed for the purpose, the Cardinalis Senensis said in the consistory (see *Jacobi Volaterrani Diarium Rom. in Muratorii Scriptt. Rer. Ital. XXIII. p. 94*), nullius sibi usus eam missionem videri: conventus illorum esse inanes: decem intra non multos annos habitos, quorum non sit fructus perceptus: hoc autem incommodi nunquam deesse, quod populorum de nobis innovantur lamenta: etenim magnis apparatus Principes — ad illos accedere, eorumque sumptuum ferendorum causa tributa suis imponere, atque identidem dicere, imperio Romani Pontificis se proficisci, et adjuvari profectionem necessarium esse: ita miseras plebes non suorum Principum, sed nostras injurias lamentari.

² According to *Nicol. Macchiarelli hist. Florent. lib. VII.* the two brothers, Girolamo Riario, count of Imola, and Pietro R., Cardinal, were the Pope's sons. Of them both see *Raph. Volaterranus Anthrop. I. XXII.* below.

³ An account of the whole matter in the *Excusatio Florentinorum per D. Barthol. Scalam dd. 10 Aug. 1478*, in *Laurentii Medicis magnifici vita auct. Angelo Fabronio* (Pisis 1784. 4to.) vol. II. p. 167, in which the confession of John. Baptista Montesecco, one of the papal Condottieri who had had a part in the transaction, is given word for word. *Raphael Volaterranus* († 1521) *Commentariorum urbanorum Geographia*, lib. V. On the 26th of Apr. 1478, Giuliano de Medici was murdered in the church during the celebration of mass; Lorenzo escaped. The conspirators were put to death by the enraged populace, and the archbishop of Pisa hung at a window of the palace. Compare *Laurentii Medicis magnifici vita auct. Angelo Fabronio*, vol. I. (Pisis 1784. 4to.) p. 58 seq. H. Leo's *Gesch. b. italienischen Staaten. Th. 4. S. 381 ff.* [W. Roscoe's *Life of Lorenzo de Medici*, I. 23 seq., 4th. ed. London. 1800. Tr.]

⁴ The bull of excommunication, dd. 1 Jun. 1478 (see *Raynald*, ad h. a. no. 5 seq.) begins with various charges against Lorenzo de Medici, especially the murder of ecclesiastics; and then declares, quanvis — a prædecessoribus nostris in magnos Principes ob minora facinora acriter sævitum esse conspiciamus, — iniquitatis filios Laurentium, Priores, Vexilliferum, octo de Balia antedictos, and all who had assisted in the murder alleged, to be criminis læsa majestatis reos, sacrilegos, excommunicatos, anathematizatos, infames, disfidatos, intestabiles. Further it orders, eorundem ædificia in ruinam dari debere, — nullum eis debita reddere, nullumve in judicio respondere tencri, nulli quoque filiorum aut nepotum predicatorum — alicujus aperiri debere januam dignitatis aut honoris ecclesiastici vel mundani. — Quidquid in bonis tunc inveniebatur eorundem, fisci et Reipublicæ dominio applicatum fore. The city and territory of Florence is put under the Interdict. — The Florentines on the other hand consulted all the most famous Canonists, who advised an appeal to a general council (see *Fabronius I. p. 81*. The opinion of *Franc. Accoltus Arretinus* in his *Consilia s. Responsa. Venet. 1573*, p. 174). A synod was then held of all the clergy of Florence, and an appeal

indignation, however, which such injustice called forth, the threats

made to a general council from the Pope (*Machiarelli istoria fiorent. lib. 8*), whilst in a statement drawn up by the bishop of Arezzo, July 23, 1478, it is proved by an accurate account of the affair, and the confession of Giovan Battista Montesecco, that the Pope was a party in the conspiracy, and thereupon his excommunication and interdict declared null and void. This statement was printed at the time, see *Storia della Toscana di Lorenzo Pignotti*. T. IV. (Livorno, 1820. 12mo.) p. 122; published again, though imperfect, under the title *Synodus Florentina contra Sextum IV. 1770*. 8vo. (the place not given, but somewhere in Italy), and is found with some errors in K. Malchener's *polit. Gesch. der i. J. 1478 zu Florenz gehaltenen grossen Kirchensynode u. des Zwistes dieser Republik mit. d. röm. Papste Sixt. IV. Rotweil. 1825*. 8vo. S. 132 ff. *Fabronius* in *Laurentii Medicis vita*, vol. II. p. 136, has given it from the autograph. We read here, p. 139: *Causam tam insolentis odii, et inexpectatae retributionis in familiam de Medicis, quæ semper ei et sedi Apostolicae servierat, nullam invenimus, nisi quandam perditam earnis et sanguinis revelationem, qua ob comitem illum suum Hieronymum, in ejus manibus nunc Ecclesia Dei est, delirat, furiit, et insanit. Habet hic suus Imolam, s. Romanæ Ecclesiæ urbem, quam ejecto Thaddeo Manfredo se tenere post mortem sui Pontificis posse diffidebat, nisi vicinum dominium Florentinum aliquo feedere amicitiae obligaret. Major autem obligatio inveniri posse non videbatur, quam si suo beneficio præcessent, qui in ea Republica primates essent: fieri autem id sine status mutatione non poterat, mutari autem status sine morte Laurentii, et Juliani de Medicis impossibile videbatur.* — *Hac igitur impellente rabie Comes oblitus omissi humani divinique juris, oblitus beneficiorum, oblitus conditionis suæ, qui cerdo fuerat, stirpem Cosmanam delere aggreditur, etc. p. 144: Sie se res habuit, Christiani lectores, hac de causa, hoc ordine, his mediis tentata eversio Florentina est. Per hæc vestigia eum, qui venit, ut vitam habeant et abundantius habeant, Sixtus secutus est. Sanguis optime de Christiana religione meritus per Principem religionis fusus, violata per Pontificem Ecclesia, polluta per summum sacerdotem sacra sunt. Et hæc ne quis ignoret aut excusare possit, confirmat aperto bello, et promulgatis censuris coepit conjurationem sequitur. Eam mulierculam imitatur, quæ vento detectum calvitium ut posteriori veste retegeret, nates detexit. In cubiculo suo, ut vidistis, tractata res est, suus Comes Paetios ad necem armavit, suus Cardinalis familiam cædi, præsentiam seeleri præstitit, suus exercitus fideles fines nostros pro Turcis ingressus est. Quis jam non videat, delirum senem his suis promulgatis censuris voluisse notam macula, lutum stercore lavare? — Sed ad repellendam sententiam ejus — veniamus, etc.* — Finally of the murder of the archbishop, p. 156: *Suspensus leno, suspensus parricida, suspensus lusor, suspensus proditor, et id in ipsa enormitate criminis, dum fureret populus in prodidores patriæ, quorum hic erat caput, dum cives primarii de salute patriæ trepidabant. Archiepiscopus non erat, quem popularis ille furor, dum palatium suum defendit, suspendit: Archiepiscopi enim talia non faciunt. Armatus scuto et ense captus est, invasor curiæ retentus: ecquis hunc pro Archiepiscopo cognovisset, aut cognitum sacerdotaliter tractasset? Noluissemus ipsum Sextum sic inventum fuisse a Savonensis suis. Quod si injiciens manum quocumque modo in Clericum excommunicandus sit, eur non hi, qui manus injecerunt, excommunicantur? Quid miser Laurentius vulneratus et confectus dolore interempti fratris, — de sua vita, de suo statu, de salute patriæ anxius impetravit? Quid additur afflito afflictio, et pro medela illati vulneris vulnus adjungitur? Estne hæc illa manifesta et rationabilis causa, pro qua tantam ferri censuram sacri Canones statuerunt? Est hic gladius ille bis acutus ex ore sedentis in throno procedens, ut laudetur peccator in desideriis animæ suæ, et iniquis benedicatur? Maledicunt innocens, qui pene occisus est: occisor, et proditor patriæ bona memoriae filius appellatur! Hæcce memoria, Sixte Pontifex, tuæ bonitatis et justitiae? Parricidarumne patrem te Cardinales isti creaverunt? — Perfidia fidem, nocentia innocentiam, scelus bonitatem perdidit, et vis ad nomen censurarum benedictum maledictum existimemus? — Cæterum libenter hic intelligeremus ab eo, qui tot tam constantem proponit, unde nunc maledicat, quod modo benedixit. Nonne illa sua vox fuit, cum audivit suspensum fuisse ob proditionem Archiepiscopum et stipatores: *benedicti vos a Domino, qui hominem suspendistis: nunquam voluissimus præfecisse eum illi Ecclesia!* Nonne etiam mentionem habuit de mittendo Florentiam Legato, qui*

of Louis XI. of France,⁵ taken in connexion with the peace con-

afflictos consolaretur? Et unde post tam repens exorta in contrarium sententia, tam subito mutata in crudelitatem commiseratio? Nondum erat forsitan captus Joannes Baptista (Montesecco), qui sua confessione Sixti occultam voluntatem in apertam necessitatem converteret: vel pendet ab alio, et est Vicarius alicujus hostis nobis ignoti, et hominis, utinam boni, non ejus, qui Ecclesiam suam super firmam petram fundavit. — p. 162. Restat ut sententia nulla sit, que nullam habuit iudicandi causam, falsum sit iudicium, quod mendacio niterit, excommunicatus sit, qui alias excommunicare vult violenter et injuste. Acceperit Spiritum Sanctum, non simoniace sit creatus, qui vocem suam veri pastoris, non hæretici hominis vult haberi. — p. 164. Ad alterum igitur lumen, ipsum scilicet Cæsarem semper Augustum confugimus, id enim Dominus, ut huic nocti præcesset, creavit: Christianissimum Regem Francorum, in cuius tutela Christi Ecclesia est, — invocabimus: omnes Principes et populos Christianos implorabimus, ut, quando iam videut, simoniace creatum Pontificem tempora, Cardinales, Missas ad homicide fidelium exercere, Concilium, ad quod appellavimus, amplius non differant, sponsam illius, in cuius sanguine baptizati sunt, a tanta turpitudine liberent. — Abeat itaque leno, casta erit mater, angularem lapidem non premat petra scandali, etc. On the 21st of July, 1478, the magistrates of Florence sent a letter to the Pope (first published by *Francis Henry Egerton*: Lettre inédite de la Seigneurie de Florence au Pape Sixte IV. Paris. Mars, 1814. 4to., reprinted in *Millin Magasin encyclopédique*. April, 1814, see *Pignotti*, T. IV. p. 117. Walchner, S. 159), in which they refute the charges against Lorenzo de Medici. E. g. Ejicere vis nos e civitate Laurentium de Medicis: hujus autem voluntatis Tuæ duas in literis Tuis potissimum causis colligimus, et quod tyrannus noster sit, et quod publico religionis christianæ bono aduersetur. Quo ergo pacto, ut primam causam primum diluamus, nos liberi erimus Laurentio ejecto, si tu jussu erit ejectus? Contraria tuæ literæ loquuntur, quæ, dum libertatem pollicentur, imperando auferunt: et, ut isto te labore liberas, ejicere nos malos cives Tyrannosque didicimus, et administrare rem nostram publicam sine monitoribus. Redi paulum ad te, beatissime pater, oramus: da locum affectibus, qui sacrosanctam istam sedem, istam gravitatem et sanctitatem pontificalem adeo decorant. Laurentium de Medicis tyrannum clamitas: at nos populusque noster defensorem nostræ libertatis cum cæteris, quos tu arguis, civibus experimur, et una omnium voce appellamus; parati, in quemcunque rerum evenitum omnia ponere pro Laurentii de Medicis salute, et civium reliquorum, in qua quidem publicam salutem et libertatem contineri nemo nostrum dubitat. Quod invehuntur in Laurentium illæ literæ liberius, nihil est quod contradicamus in præsenti: veritas ipsa satis contradicit et tua conscientia: hoc tamen fatebimur, beatissime pater, movent risun omnibus nobis, tam inaniter, ne dicamus maligne, conficta auditentibus. — Movet te fortasse, et de ea re Laurentium succenses, quod e furentibus populi armis Raphaelem Cardinalem, tuum nepotem, eripi curaverit, et salvum reddiderit! Movet, quod trucidato Juliano, fratre saucius ipse divina potius quam humana aliqua ope sceleratos gladios sacrilegosque parricidarum et mortem evitaverit! Si cædi se passus sit ab missis a vobis efferatissimis satellitibus, si arcem libertatis nostræ, publicum Palatum, captum dolis a proditoribus vestris, non recuperassemus, si trucidandos nosmet, ac magistratus nostros, et cives tradidissemus vobis? nihil modo tecum contentionis haberemus.

⁵ See the credentials of the ambassador sent to the Pope, dated 20 Nov. 1478, in the *Preures des libertez de l'église Gall.* Chap. 13, no. 12. The king complains that whilst they were all threatened by the Turks, the Pope and the king of Sicily were disturbing Italy with dissensions and wars. That he had therefore been induced to assemble the spiritual and temporal peers of his realms in Orleans, and that it had then been resolved, necessarium esse Concilium generale convocari, et sanctissimo Patri nostro Summo Pontifici fore supplicandum, ut — Concilium generale convocari et teneri facret, — quodque ipse Summus Pontifex exemplo Christi vellet pacem prædicare, et cum dicta illustrissima Liga (Florence and its allies) pacis unionem inire. That therefore the king had sent this embassy, which was at the same time commissioned, casu quo ipse summus Pontifex præmissa facere denegaverit, seu plus debito distulerit, vel aliqua in contrarium præmissorum, aut aliquid contra nos, regnum et regnicolas nostros fecerit, seu in futurum attentare præsumperit, ad intinandum et appellationem ab ipso interjectam in con-

cluded with Florence by Ferdinand of Naples, 1480,⁶ and the conquest of Otranto by the Turks (Aug. 4, 1480), at length compelled him to yield.⁷ Girolamo next coveted the possessions of the house of Este, which ruled in Ferrara. Sixtus forthwith formed an alliance with Venice, war was declared in May, 1482, and Ferrara, though supported by Naples, seemed on the point of falling.⁸ But Girolamo was gained over by Naples,⁹ and Sixtus immediately turned round and excommunicated Venice.¹⁰ But the arms of the Republic were

gregatione prædicta Aurelianis, et de novo si opus fuerit appellandum ab ipso summo Pontifice male consulto ad eundem sumnum Pontificem bene consultum, seu præfatum proximum futurum Concilium universalis Ecclesiæ. The embassy was admitted to the consistory, Jan. 7, 1479, see *Jacobi Volaterrani*, a contemporary Secretarius Apostolicus, *Diarium Romanum in Muratori Scriptt. Rer. Ital. XXIII*, p. 97 seq., and threatened distinctly, that if the Pope did not yield, nullæ vacaciones, nullæ pecunia sinerentur ad Apostolicam sedem ex regno illo venire; or according to their declaration in writing, see *Raynald*, 1478, no. 19: quod si non fecerit (Papa), eo ipso petit (Rex) congregari generale Concilium in aliqua civitate regni sui, et illico Pragmaticam indicit Sanctionem, quam servari jubet in regno suo integerrime. Postremo Prælatos, et quasvis ecclesiasticas personas in Romana curia degentes, et in regno suo habentes beneficia ad ipsa beneficia revocat, et per subtractionem fructuum redire compellit. The Pope, it is true, did not yield to their representations (l. c. no. 20 seq.): but the emperor and Matthias of Hungary also recommended peace, whilst the Venetians sought a truce with the Turks in order to help the Florentines (l. c. no. 30).

⁶ *Raph. Volaterranus Geogr. lib. V.*: Laurentius cum jam periculum imminere consiperet, ultro decrevit ad Regis hostis misericordiam confugere. Itaque — itinere per mare Tyrennum facto Neapolim celeriter adplicuit, ubi humaniter exceptus supplex veniam petiit, ac cum Rege annui census pactione transegit, paucisque post diebus ineolumis ad suos regressus est, ac bellum dissolutum (peace was made March 6, 1480). Quod factum Pontifex quamquam graviter tulit, quod se neglectum præteritumque viderit: auxiliis tamen destitutus pacem coactus est facere.

⁷ The Pope was so much alarmed at the taking of Otranto, that he at first thought of flying to Avignon; he then began to exhort the Christian powers to peace amongst themselves, especially the Italians, and to call on them for help, see *Raynald*, 1480, no. 17 seq. Of the reconciliation of the Florentines with the Pope, see *Raph. Volaterranus*, l. c.: Quamobrem oratores XII. ad eum missi, qui veniam præteriorum peterent ac populum Florentinum communi causa expiarent. — Præsul caput legationis orationem in senatu habuit, veniamque petit præteriorum. Die deinde dominico primo Adventus (the 3 Dec.) anno 1480 omnes mane in portieum basilicæ Petri conveniunt, Pontificem atque Patres præstolantes. Ibi Pontifex pro foribus templi procumbentes ad genua viritim de more virga converberatos terga expiavit. Ingressi deinde basilicam sacrificio interfuerere, quo peracto domum reducti sunt omnium Patrum familiis comitantibus. Nam prius urbem nemine de more obviam procedente ingressi fuerant. This is more fully related by *Jacobus Volaterranus Diar. Rom. (Muratori XXIII, p. 113 seq.)*.

⁸ *Leo Gesch. b. ital. Staaten. Th. 3. S. 183 ff.*

⁹ Amongst the conditions of peace (see *Jacob. Volaterr. in Muratori XXIII. p. 181*) was a stipendum Hieronymo Comiti in annos tres XL. aureorum millia.

¹⁰ *M. Antonius Sabellicus* (teacher of ancient literature in Venice, † 1506) hist. rerum Venetiarum Decadis IV. lib. II. (in the Istorici delle cose Veneziane, i quali hanni scritto per publico Decreto. in Venezia, 1718. 4to. T. I. p. 842): Percesso cum hostibus fædere, tentavit Pontifex per literas Venetos ab armis revocare, atque eo suadendo hortandoque perducere, ut Ferrarensi bello omnino abstinerent, restituerentque Herculi Æstensi, quæcumque ad eam diem armis illi ademissent. (This letter, dd. 11 Dec. 1482, in *Raynald*, ad h. a. no. 19). Patres ea denunciatione moti, etsi certi erant, semipartam victoriam nolle abjicere, censuerunt tamen,

so successful that their opponents were forced to make peace without any reference to the act of excommunication (Aug. 7, 1484); and the vexation at this hastened the death of the despised and hated Pope (August 12, 1484).¹¹ He was succeeded by Innocent VIII.,

Pontifici respondendum, ac per literas non illi magis, quam toti Italiae, imo Europeis omnibus demonstrandum: — *Venetos ne injuria quidem laccessitos arma prius induere voluisse, quam belli, quod postea Herculi illatum esset, Pontificem non solum auctorem, sed impulsorem etiam habuissent: nec tum quidem eos a pace multum abhorrente, quin veteri civitatis instituto libenter eam complexuros fuisse, nisi alieno tempore proponeretur, tunc sane, quum jam prope debellatum esset, ac tam indignis conditionibus, ut nil aliud esset illam recipere, quam Venetum nomen omnibus gentibus irridendum exhibere.* — *Quod ad se attineret, statutum esse, bellum, quod semel summo Pontifice auctore suscepissent, bona ipsius venia ad exitum perducere: quem tam felicem sperarent, quam justa visa esset causa, propter quam illud suspicere debuissent.* Hæc et alia in hanc sententiam Venetus. Pontifex autem, pristini fœderis oblitus, ubi Venetum in sententia perstare vidiit, interdicti spiculum in eum detorsit. The bull dd. 23 Maj. 1483, in *Raynald*, ad h. a. no. 8 seq. The interdict was not, however, regarded in Venice. The Franciscans, who attempted it were sent into exile, see *Marinus Sanutus* († about 1535) in his lives of the Doges in *Muratori Scriptt. rer. Ital. XXII.* p. 1228. The Venetians went even further, see *Sixti bulla* dd. 15 Jul. 1483 (in *Raynald*, ad h. a. no. 19): accersitis in eorum ducali Palatio nonnullis Prælatis ecclesiasticis tunc Venetiis commorantibus, coram eis, ut honestis personis, a monitionibus et mandatis hujusmodi nostris ad tribunal omnipotentis Dei, et ad id, quod de proximo celebrari debere temere affirmare nou erubuerunt, futurum generale Concilium appellare, et ut appellatio ipsa per eosdem Prælatos reciperetur, laudaretur et admitteretur, ac tandem ad nostram deduceretur notitiam procurare, et Christifidelibus, Clero et populo — locorum eorum ditioni obtemperantium, quod prætextu appellationis hujusmodi — mandatis nostris obtemperare non tenerentur, — persuadere — non formidarunt. At the same time (*Sabellicus*, l. c. p. 858) ad omnes Germaniæ et Galliæ Reges oratores miserant, qui illos ad publicum conventum ipsi Pontifici ac Christiano nomini indicendum impellerent, ubi fas esset de Pontificis injuria queri, fidemque Christianorum omnium aduersus illum implorare.

¹¹ The conditions of peace see in *Sabellicus*, l. c. p. 863 seq. The effect produced on the sick Pope, see *Jacobi Volaterrani Diarium Rom.* in *Muratori XXIII.* p. 198 seq. *Stephani Infessuræ Diarium urbis Romæ in Eccardi Corpus histor. medii a vii, II. p. 1938:* Deinde undecima die (Augusti) accesserunt ad eum Ambasciatores Potentiarum, putantes forte affirre ei aliquod gaudium, et exposuerunt ei, qualiter conclusa esset pax per totam Italiam. — De quo ipse multum obstupuit, et miratus est, quare pax esset conclusa sine eo, attento, ut ipse dicebat, ipsum debuisse principaliter intervenire. Et cum hoc saepius interrogasset ab eis, et audivisset, quod dieta pax esset conclusa adeo, ut non posset amplius retractari, doluit valde. Et causa doloris communis omnium existimatione hæc fuit, quia semper in omnibus operibus suis animum ostendit suum in hunc finem et propositum, ut aliquem statum, potentiam sive dominium acquireret Comiti Hieronymo. — Putabat modo in hac pacis conclusione, se posse aliquid dicto Comiti acquirere. Et ista de causa intravit in talem confederationem, et pecuniam Ecclesiæ expendit. Sed postquam vidit, se esse illusum, et cecidisse ab hac spe; — doluit valde, ita ut tam ex primo dolore quam ex novissimo infirmatus sit febre. — et — XII. d. Aug. — mortuus sit Sixtus IV. In quo felicissimo die Deus ipse omnipotens ostendit potentiam suam super terram, liberavitque populum suum Christianum de manu talis impiissimi et iniquissimi regis, cui nullus Dei timor, nullus regendi populi Christiani amor, nulla caritatis et dilectionis affectio; sed solum voluptas inhonesta, avaritia, pompa, seu vana gloria semper et continue præcipue viguit, et in consideratione fuit. Hic, ut fertur vulgo, et experientia demonstravit, puerorum amator et Sodomita fuit. Nam quid fecerit pro pueris, qui serviebant ei in cubiculo, experientia docet, quibus non solum multorum millium ducatorum donavit redditus, verum Cardinalatum, et magnos Episcopatus largiri ausus est. Nam et non propter aliud, ut dicunt quidam, dilexit Comitem Hieronymum, et fratrem Petrum, ejus germanum, ac post Cardinalem s. Sixti, nisi propter Sodomiam. — Hic avarissimus:

who, in the face of the capitulation which he had signed before the choice,¹² sought chiefly to enrich and exalt his seven illegitimate

namque, ut notum est omnibus, nullum unquam contulit beneficium cujuscunque generis, nisi soluta pecunia. — Interdum etiam subhastabatur, ut nulla habita ratione peccati, bonus an malus, dignus vel indignus, literatus an illiteratus esset, qui plus offerret, beneficium consequeretur. Cardinalatus quoque et Episcopatus vendidit infinitissimos, de quibus hic narrare non expedit. Hic pecuniarum quaerendarum causa, quas in bellis et pompis consumebat, multa et inexcoigitata in Curia Romana officia adinvenit, et vendidit his, qui Scytharum vocabulo denominabantur Stradioti, Jannizari, et Mamaluchi. Hi officiales habebant varia exercitia in Curia, et ex his lucrabantur, et sine dubio ut ex illis pecunias, quas pro consequendis exposuerant, rehahere possent, citra modum lucrum extorquebant. Hic officia multa in urbe, non citra avaritiae causam, perpetua et venalia fecit. — Hic gabellam novam imposuit, ut fornarii sive pistores pro quolibet sacco grani, quod macinandum (to grind) mittebant, ultra consuetam solutionem unum grossum papale solverent. Hic Datum (*dážio*, tax) sub nomine decima immoderatum tam a Clericis, quam ab Officialibus exigebat, et quidem sine aliqua misericordia. Figebat enim praeceptum in ostio Ecclesiae, ut intra certum brevissimum spatium sub excommunicationis et privationis poena et ultra illam, alias centum, et alias quinquaginta Ducati solverentur: quod si ita, ut ponebatur, derepente non esset solutum, Ecclesia ipsa erat interdicta, et Canonici privabantur. Hic Romae dum vixit, panis penuriam semper induxit pecuniarum quaerendarum causa. Nam emebat granum de messibus per omnes ecclesiasticas regiones uno Ducato: — deinde penuria facta — quatuor vel quinque Ducatis revendebat. Aliquando ex regno Regis Ferdinandi granum fœtidum et putridum parvo pretio comparabat, illudque in loco quodam, qui Abundantia vocabatur, — non minori quam tribus Ducatis pro rubio distrahebat. Et quia saepe contingebat, quod tanta grani multitudo ibi consumi non poterat, inter fornarios distribuebat, mandabatque illis, ut sub certa poena non possent aliud quam dictum suum granum consumere seu operari, pro pretio tamen XL. Carlinorum pro quolibet rubio, quod nisi solverent, statim carcerabantur. Panis vero, qui ex dicto frumento fiebat, erat ater fœtidus et abominabilis, et ex necessitate comedebatur, ex quo saepenumero in civitate morbus viguit. Hic poenas omnes cujuscunque generis ad pecuniam reduxit, ita ut, si ignem quis meritus fuisset, soluta aliqua pecunia liberaretur. — Et tandem tantum vigebat in eo avaritiae vitium, ut non puderet, nec erubesceret, si aliquando Camera esset debitrix alicuius, et ipse debitum promiserit, denegare, et in sua fide deficeret, et aliquando, quod clarissimum erat, denegare. — Hic literatorum et bonos mores habentium inimicus, solum illi grati erant mali, etc. *Raphael Volaterranus* Comm. urban. Anthropologia, lib. XXII.: Suorum imprimis amantissimus ac indulgentissimus fuit, quorum causa pleraque præter fas jusque et agebat et concedebat. Petrum ante omnes ejusdem Ordinis (Franciscani) ac patriæ, quem a pueru una cum Hieronymo fratre sibi educaverat, ad Cardinalatum usque provexit, virum aliquoquin natum perdundæ pecuniæ: nam biennio, quo tantum postea vixit, ducenta aureorum millia in luxu vicitando solum absupsit, LX. millia æris alieni, argenteorum item CCC. pondo dimisit. Decessit tabidus voluptate annorum XXVIII., opificibus maxime desideratus, quorum officinas novis semper lucris et opibus replebat. Hieronymus vero frater, Forolivii Forocornelique princeps factus, post eum rem omnem Ecclesiæ administravit, vir ingenio severiore ac voluntatibus præter unicam venationem minimum deditus. Xistus itaque post hos fratrum sororunque filios extulit: neque enim alter propinquus fœcundior fuit. Enumeration of these advancements, and of the wars, which he carried on ad arma conversus, quibus magis quam religioni natus fuerat. Quum igitur tot tumultibus absunta pecunia indigeret, nova Collegia primus excogitavit, quæ liceretur. Account of them. Verum hæc seu necessitatibus, seu verius proximis ac ministris tribuenda, nam eo Pontificum nullus nec animo munificentior, nec in dando hilarior, nec in promovendis hominibus promptior repertus fuit. Manner in which he received foreign princes, and adorned Rome with new edifices.

¹² Which see in *Raynald*, 1484, no. 28 seq. To prevent the Nepotism of the former Popes, no. 30: *De parentela et consanguinitate sua non plures quam unum dumtaxat qualificatum (ad Cardinalatum) promovebit*; and no. 38: *quod arces S.*

children.¹³ With Ferdinand, king of Naples, he waged two wars till A. D. 1492, and set up Renatus, duke of Lorrain, as his rival for the crown.¹⁴ Though he continued like his predecessors to urge both princes and subjects to arm against the Turks,¹⁵ yet when the knights of Rhodes had given up to him Dschem (in the East called Zizim, or Zemes), the brother and rival of the Sultan Bajessid, A. D. 1489, he preferred, instead of sending him against the Turks at the head of an army, to keep him prisoner, and so extort tribute from the Sultan.¹⁶ So, too, with Alexander VI., the most

Angeli, civitatis vetulæ, Tiburis, Spoleti et Cæsenæ non concedet alicui de parentela sua, nec Prælato, nec sacerdotali; sed aliis Prælati et ecclesiasticis personis; neque faciet eundem Castellanum et gubernatorem alicujus civitatis, — nec Capitaneatum generale Ecclesiæ nepoti, nec alieui consanguineo suo concedet.

¹³ *Infessura* (in *Murat.* III, II. p. 1189. *Eccard.* II. p. 1947) enumerates the endowments which Innocent was reported to have promised in return, pro habendis vocibus, adding: Quare negari non potest, quin considerata qualitate et vita Viri, qui juvenis et Januensis est, et ex pluribus mulieribus septem filios intermares et feminas habet, — ac considerata qualitate electionis, quæ multo deterior fuit electione Xisti, quomodo longe pejora et deteriora non sequantur? On the fourth day after the election Cardinales animo insatiabili et quadam voracitate inter se omnia officia sacerdotalia tam urbis quam extra urbem divisorunt. The promise, omnia officia et beneficia Romana concedere Romanis cibibus, was not regarded. Et sic in ejus principio sequitur vestigia Xisti, etsi grave est unicuique fidem fallere, sed magis Principi. Sed non est mirum, si populum Romanum decepit, quia Deum omnipotentem, cui in promotione castitatem vovit et promisit, et tamen post septem filios habuit, turpiter fecellit atque decepit. *Raph. Volaterranus* Comment. urban Anthropolægia, lib. XXII.: Xisti deinde secutus exemplum quæstus gratia Secretariorum collegium instituit pristinum numerum augendo; Pontificum etiam primus, qui novum et ipse exemplum introduceret palam liberos nothos jactandi, ac soluta omni antiqua disciplina divitiis eos omnibus cumulandi. In the contemporary epigram,

Octo Nocens pueros genuit totidemque puellas,
Hunc merito poterit dicere Roma patrem,

the number 8 refers probably to Innocent, who was the eighth of that name.

¹⁴ Ferdinand wished to have the annual tribute remitted as it had been by Sixtus IV. The Pope formed an alliance with the discontented Neapolitan barons, and Ferdinand with the Roman house of Ursini. The first war began 1485 (*Raynald*, h. a. no. 38, 1486, no. 1): on the 12th of August, 1486, a peace was concluded on terms favorable to the Pope (*Raynald*, h. a. no. 13), which, however, Ferdinand did not keep. Hostilities were soon recommenced (*Raynald*, 1487, no. 9 seq.), and in 1489 the Pope deposed the king from his throne (*Rayn.* h. a. no. 5 seq.): the peace of 1492 was a renewal of the former one (*Rayn.* h. a. no. 10 seq.), comp. Leo's Gesch. d. Ital. Staaten. Th. 4, S. 611 ff. S. 617 f.

¹⁵ *Raynald*, 1484, no. 60 seq.; 1485, no. 1 seq.; 1486, no. 60 seq.; 1488, no. 10 seq.

¹⁶ See Jos. v. Hammer's Gesch. des osmanischen Reiches. Bd. 2 (Pesth. 1828. 8vo.), S. 250 ff. Dschem had fled to Rhodes A. D. 1482, was kept prisoner in France by the knights, and in 1489 delivered over to the Pope, who, under the pretext of making use of him in an expedition against the Turks, had been very urgent to get possession of him. Thus he writes to the duke of Bourbon (*Raynald*, 1485, no. 12): Hortamus nobilitatem tuam, et quanto possumus studio per Redemptoris nostri sanctissimam passionem requirimus, ut pro religione animi tui, et pro communis omnium salute, — [nolueris] pati, ut idem Turci frater ad alias quam nostras manus deveniat: nam si in nostra fuerit potestate, modum et viam ad inveniemus, quibus illo tamquam instrumento ad res magnas pro religione Christiana et Dei laude gerendas uti possimus. Of Dschem's entry into Rome, March 13, 1489, and his appearance in the Consistory, see *Infessura* in *Murat.* III, II.

profligate of all the popes (from Aug. 11, 1492),¹⁷ the great object

p. 1224 seq. The Sultan immediately entered into negotiations. The king of Hungary said openly to the papal legate, Angelus Pechinolius (see his account sent to the Pope, June, 1489, in *Justus Fontainius de antiquitatibus Hortar Coloniae Etruscorum. Rom. 1723. 4to. p. 488*): Orator Soldani, qui est Romæ, supplicavit Domino sanctissimo pro parte istius Turci, quod sua Sanctitas sit contenta recipere a Soldano ducenta millia Ducatorum, et quod eum det ad manus Soldani, et sua Sanctitas fuit contenta. Sic misit unum hominem ad Rhodum sub prætextu, quod pro aliquibus fratribus religiosissimis Rhodiensium vadat ad Rhodum: sed inde mutatis vestibus ibit ad Soldanum pro compositione istius pecuniae et aliarum rerum. — Quantum autem deceat unum Papam ista facere, sua Sanctitas, quæ prudentissima est, potest melius considerare, et quid sint dicturi ali Christiani Principes, quando ista audierint. The legate could only reply that the Pope would not of course give up Dschem for 200,000 ducats, since the Sultan had already offered 600,000. The king, however, persisted: Domine Legate, si non scit Paternitas vestra, scio ego: et forte, quod plus sunt: sed de ducentis millibus ego sum bene certus. The king had himself wished to get possession of Dschem to avail himself of his help in the wars with the Turks; but as it now appeared that the Pope was about to send him with a Venetian fleet, the king was on the point of making a treaty with the Sultan, being convinced (p. 484): Veneti non in bellum contra Turcic proficiscetur, sed privata aliqua commoda et privatas eorum passiones ulcisci intendunt; and he said to the legate, without disguise (p. 482): sua Sanctitas vult decimas habere; vere non habebitis: — si portabitis illum Turcum per mare, ego portabo fratrem suum, Turcorum Imperatorem per terram in Italianam. In the mean time, however, the Sultan first made an attempt to poison both the Pope and Dschem, *Infessura*, p. 1232: and after this (*Infess.* p. 1234) an ambassador appeared at Rome in his name, November 30, 1490, with rich presents to the Pope (amongst them the lance, with which Christ's side was pierced, which the Pope received as genuine, notwithstanding it was represented to him that the same thing was already exhibited in Paris and in Nuremberg, see *Burcard* in the Notices et extraits, T. I. p. 94), and the offer, quod, si retineret dictum Turcam, pro censu se daturum quadraginta millia Ducatorum pro quolibet anno, quoque ipsum retinuerit. Item obtulit pacem et perpetuam securitatem inter Christianos et Turcas, et quod Christiani de cætero possent ire et redire in terras ejus libere et absque aliquo timore. He stipulated, however, to be admitted to audience with Dschem, declaring, se nolle solvere tributum prædictum, nisi eum oculata fide videret. Et ita dixit se habuisse in mandatis, ne forte diceatur vivus, et mortuus esset. See concerning Dschem, the abbot *Ludovicus Tubero* comm. de temporibus suis (from 1490–1522), lib. VI. § 6 and 7, in *Schwandner Scriptt. rerum Hungaricarum. T. II. p. 214 seq.* He relates, § 7, first, the unsuccessful attempts of the king of Hungary to get possession of the Saracen prince, sperans, si Gemium in potestate haberet, non solum facile consecuturum, ut Bajazethes intra fines suos sese contineret, atque invalidior viribus fieret (certo enim sciebat, Gemium a popularibus studio, ut fit, novarum rerum valde desiderari); verum etiam se bonam Imperii partem eo facto Turcis ademtrum: quippe arbitrabatur, Bajazethem fraterno metu nullam pacis conditionem ab se dictam recusaturum. Then he continues: Non ita multo post Innocentius VIII. Pontifex Romanus et sibi amplum fore putans, Regem Turcam tributarium habere, et tanto auro, cuiusquidem sacerdotes hac tempestate maxime avidi sunt, potiri cupiens, oblata Rhodiorum Principi dignitate, qua Cardinales sacerdotes Romanæ Ecclesiæ insigniti sunt, agit cum illo, ut Turcam sibi traderet. Rhodius, non parvum fortunæ suæ additamentum existinans, in collegium Cardinalium cooptari, accepta conditione hominem suæ fidei commissum hujuscemodi facile permutat magistratu. Itaque vidimus, si Deo placet, non pecunia modo, quod jam solempne est, sed etiam perfidia atque humano sanguine sacerdotia apud Christianos parari, si Christiani appellandi sunt, qui nihil præter nomen habent Christianorum.

¹⁷ Notwithstanding the urgent admonitions of *Leonellus* Episc. Concordiensis (see *Raynald*, 1492, no. 24 seq.) and the *Bernardinus Carvajal* Episc. Pacensis (in *Martene* thes. anecd. II. p. 1774 seq.), all the cardinals, except five, suffered

of his schemes was to heap honors and riches on his five illegitimate children, and especially on his favorite Cæsar Borgia.¹⁸ Charles VIII. of France having undertaken to support the claims of the house of Anjou to the throne of Naples, Ferdinand, the reigning king, and after him († 25th Jan. 1494) his son Alphonso II. gained over the Pope by favors conferred on his sons,¹⁹ so that he threatened Charles with excommunication,²⁰ and even sent for aid to the Turks.²¹ But

themselves to be bribed by Rodericus Borgia to give him their votes, and he now ascended the papal throne under the name of Alexander VI., see *Infessura* in *Eccard* II. p. 2008 seq.

¹⁸ Thus on the 10th of June, 1493, he married his daughter Lucretia to Alexander, lord of Pesaro, after separating her from her husband, whom he contented with a large sum; celebrating the nuptials with great festivities in the papal palace, and not, as it is said, with the greatest decorum; see *Infessura* in *Eccard* II. p. 2011 seq. *Infessura* remarks: Alexander consuetudinem jam eceptam per Innocentium de maritanda prole feminina prosecutus est et ampliavit. Incumbit igitur Clerus omnis, et quidem eum diligentia circa sobolem procreandam. Itaque a majori usque ad minimum concubinas in figura matrimonii, et quidem publice attinent. Quod nisi a Deo provideatur, transitib[us] hæc corruptio usque ad Monachos et Religiosos, quamvis Monasteria urbis quasi omnia jam facta sint lapanaria, nemine contradicente. *Raphael Volaterranus* comm. urb. *Anthropologia*, lib. XXII.: Alexander deinde nihil prius habuit quam Innocentii exemplum suos nothos honoribus, verum longe majoribus extollere, quando jam res hæc honori et gloria cœpit esse. Itaque *Lucretiam* filiam prius Jo. Sforzia Pisauriensi Principi locavit, deinde abdicatam (forsaken by her husband, see *Machiavelli* hist. Fragmenta, translated by Leo, S. 114) Aloisio Aragoni Alfonsi Regis filio notho, quo denum interfecto Alfonsio Estensi Ferrarie Duei, eum quo adhuc perseverat. Ex filiis vero alterum minorem natu in regno Siciliae Principem fecit (see note 19) alium Cæsarem Cardinalem (1493). *Ludov. Tubero*, lib. VIII. § 15: vix puberem Cardinalem designavit, ementitus, non ex se genitum esse, sed ex viro, cuius uxorem, quod satis constat, ipse adulteraverat), majorem quoque in Hispania ducem (John Borgia of Arragon, duke of Gandia, to whom he furthermore gave, 1497, the dukedom of Benevento, see *Burchardus* in *Eccard* II. p. 2081).

¹⁹ Leo P. Ranke's *Geschichte der romanischen u. germanischen Völker* from 1494 to 1535, Bd. I (Leipz. and Berlin. 1824), S. 30. Leo's *Gesch.* v. Italien. Th. 5, S. 71 ff. Thus Giuffredi Borgia married a natural daughter of king Alphonso, and received the principality of Squillace as her dower.

²⁰ Of the Pope's attempts to prevent Charles from interfering in the affairs of Italy, see *Raynald*, 1494, no. 15 seq. After Alexander had bestowed Naples on Alphonso, the French ambassador appealed in the Consistory to a general council; the Pope, on the other hand, maintained his right to decide the matter, l. c. no. 18, and threatened to follow the example of Pius II. in Mantua, who had punished a similar appeal with the anathema (l. c. no. 20).

²¹ In July, 1494, the Pope had a meeting with Alphonso, king of Naples, in Vicovarium, after which both of them sent embassies to the Sultan (*Burchardi Diarium* in *Eccard* II. p. 2047, and *Raynald*, 1494, no. 21). The papal ambassador was taken, however, and the instructions found upon him. These, with five letters of the Sultan to the Pope, see in *Burchardi Diarium* in *Eccard* II. p. 2053 seq., and in the *Mémoires de Phil. de Comines, nouvelle édition par Messieurs Godefroy, augmentée par M. l'Abbé Lenglet du Fresnoy*. T. IV. P. II. (Londres et Paris. 1747. 4to.) p. 47 seq. The five letters of the Sultan are also in the *Fundgruben des Orients*, Bd. 5 (Wien. 1816. fol.), S. 183 (all these editions from different MSS.). The papal instructions, dated June, 1494, encharge the Nuntio, George Bocciardo, Magnus Turca, to explain to the Sultan Bajazet, qualiter Rex Francie properat cum maxima potentia terrestri et maritima — huc Romanum veniens eripere e manibus nostris Gem Sultan, fratrem Celsitudinis suæ, et acquirere Regnum Neapolitanum, — sed etiam in Græciam transfretare, et patrias Celsitudinis sua debellare. — Et cum nobis opus sit resistere, — coginur

on Charles' appearance at Rome (Dec. 31, 1494), the Pope at once deserted to him, delivering into his custody the prince Dschem, whom, however, he soon after provided for by poison, that he might

ad subsidium prefati Sultan Bajazet recurrere, sperantes in amicitia bona, quam ad invicem habemus, quod in tali necessitate juvabit nos : quem rogabis, et nomine nostro exhortaberis, ac ex te persuadebis cum omni instantia, ut placeat sibi quam cito mittere nobis Ducatos quadraginta millia in auro Venetos pro annata anni presentis, quae finiet ultimo die Novembris venturi (the annual sum paid for Dschem). As the help of the Venetians was very important, persuadebis et exhortaberis Majestatem suam, quam tenemur certioreni reddere ob veram et bonam amicitiam, quam habemus ad invicem, ne patiatur aliquod interesse, ut statim mittat unum Oratorem ad Dominium Venetorum : — quos exhortetur et adstringat, quod pro quanto cari pendant amicitiam suam, debeant esse adjumento et defensioni nostræ et Regis Alfonsi terra marique. — Denotabis pariter magno Turco adventum Oratoris magni Soldani (the Sultan of Egypt) ad nos cum litteris et innumeribus, que transmisit nobis, — et promissiones, quas nobis fecit de magno thesauro, ac de multis aliis rebus (for the delivery, namely, of Dschem) : significabis Majestati suæ intentionem nostram, in quantum sibi promisimus, firmiter tenebimus, et nunquam contraveniemus in aliqua re : ino nostra intentionis est accrescere et meliorare nostram bonam amicitiam. Bene gratum nobis eset, et de hoc multum precamur et hortamur D. Serenissimum, quod pro aliquo tempore non impediatur Hungarum, neque in aliqua parte Christianitatis, et maxime in Croatia et civitatibus Ragusiæ et Leguiæ : quod faciendo et observando nos faciemus, quod Hungarus non inferat ei aliquod damnum, et in hoc Majestas sua habebit compassionem complacendi nobis, attento maxime motu Francorum, et aliorum Principum. Quodsi in bellando perseveraret, habeat pro comperto sua Magnitudine quod in ejus auxilio essent quam plures Principes Christiani, et doleret Majestatem suam non fecisse secundum consilium nostrum, quod damus sibi primo ex officio, quando simus pater et dominus omnium Christianorum, postea desideramus quietem Majestatis suæ ad bonam et mutuam amicitiam : quoniam si aliter Majestas sua statueret prosequi et molestare Christianos, cogeremur rebus consulere, cum aliter non possemus obviare maximis apparatibus, qui fiunt contra Majestatem suam. In the answers of the Sultan, all dated September 15 and 18, 1494, the following remarkable things are found. In the fourth : Notum sit Tuo supremo Pontificio, quemadmodum Rev. Dominus Nicolaus Cibo Archiepiscopus Arelatensis est dignus et fidelis homo. — Hujus igitur rei causa justum est a vobis decerni, majori in ordine ipsum esse debere : unde et rogavimus dictum supremum Pontificem (Innocentium VIII.), ut faceret illum Cardinalem, et assensum est nostræ petitioni. — Verum quia non erat tempus, id est Septembri mensis, non sedet in ordine suo. — Ea de causa scribimus et rogamus Tuam Magnitudinem, — ut adimpleat ipsi Tuum Pontificium, videlicet ut faceret ipsam perfectum Cardinalem. In the fifth : Inter alia mihi retulit (*Georgius Bussardus*), quomodo Rex Franciæ animatus est habere Gem fratrem nostrum, qui est in manibus vestræ Potentiæ ; quod esset multum contra voluntatem nostram, et vestræ Magnitudini sequeretur maximum damnum, vosque et omnes Christiani paterentur detrimentum. Idecirco una cum prædicto Georgio cogitare coepimus : pro quiete, utilitate et honore vestræ Potentiæ, et adhuc pro mea satisfactione bonum eset, quod dictum Gem meum fratrem, qui subjectus est morti et detinetur in manibus vestræ Magnitudinis, omnino mori faceretis, quod, si vita carceret, eset et vestræ Potentiæ utile, et quieti commodissimum, mihique gratissimum. Et si in hoc Magnitudo vestra contentabit complacere nobis, prout in sua prudentia confidimus facere velle, debet pro meliori Sua Potentiæ, et pro majori nostra satisfactione, quanto cito poterit, illo meliori modo, quo placebit Vestræ Magnitudini, dictum Gem levari facere de angustiis istius mundi, et transferri ejus animam in alterum sæculum, ubi meliorem habebit quietem. Et si hoc adimplere faciet Vestra Potentia, et mandabit nobis corpus suum in qualicunque loco citra mare nostrum ; promittimus Nos Sultan Bajazet suprascriptus in quocumque loco placuerit Vestra Magnitudini Ducatorum trecenta millia ad emenda filii suis aliqua dominia, quæ Ducatorum trecenta millia consignare faciemus illi cui ordinabit Vestra Magnitudo, antequam sit nobis dictum corpus datum, et per vestros meis consignatum. Adhuc promitto Vestræ Potentiæ, quod vita mea comite et quamdiu vixerо, habe-

not forfeit the promised price of his death from the Sultan.²² In March, 1495, the Pope again formed an alliance with the emperor and the king of Spain, in order to drive the French out of Italy.²³ It was not long, however, before he quarrelled with the new king of Naples, Frederick, the brother of Alphonso II., on account of his refusal to comply with the insolent demands of Cæsar Borgia,²⁴ and once more made overtures to the king of France, Louis XII. Nothing was now impossible at Rome. The cardinal Cæsar Borgia was released from clerical vows,²⁵ and Louis XII. divorced from his queen.²⁶

binus semper bonam et magnam amicitiam cum eadem *Vestra Magnitudine* sine aliqua deceptione, et eidem faciemus omnia beneplacita et gratias nobiles. The Sultan promises also to molest the Christians no further, and confirms all these promises by a solemn oath.

²² *Burchardus in Eccard II.* p. 2066, more correct in *Raynald*, 1495, no. 12: Feria quarta, vigesima quinta Februarii Gem, frater Magni Turcæ, qui nuper Regi Francorum per sanctissimum Dominum nostrum ex pacto et conventione inter eos stipulatis fuerat consignatus, in civitate Neapolitana et castro Capuano ex esu sive potu naturæ suæ non convenienti vita est functus, cuius cadaver deinde ad instantiam et preces magni Turcæ eidem magno Turca cum tota defuncti familia missum est, qui propterea dicitur magnam pecuniarum sumnam persolvisse seu donasse, et familiam ipsam in gratiam recepisse. *Ludoricus Tübero* (see note 16), lib. VI. § 7, in *Schwandtner II.* p. 216: Mortuo Innocentio Alexander, Pontificatum pecunia adeptus, Geminiū in Caroli VIII. Francorum Regis, tunc Neapolitanum regnum petentis, coactus — permisit potestatem, dato ei prius veneno haud quidem præsentaneo, sed quod ad occultandam facinoris invidiam aliquot diebus mortem protraheret. Ferunt autem, hunc Pontificem adeo deplorata vita, atque ad extremum perditum fuisse, ut omnia sacra pretio venderet. Quosdam insuper Cardinales divitis notos veneno sustulisse dicitur, quo eorum pecunii liberorum suorum ex adulterio susceptorum fortunam augeret. Quare ejus aetate per totum fere Christianum orbem hi versiculi passim decantabantur:

Vendit Alexander claves, Altaria, Christum :
Emerat ista prius, vendere jure potest.

Unde omnibus persuasum est, ipsum Pontificem, qui verius Carnificis nomen obtinere debuit, Venetis quoque non solum concuii, sed etiam internuntiis, propter similitatem, quam cum Rege Carolo habebant, ingentis pecuniae pactione ad hoc seclusi a Bajazethesse iudicatum, qui quidem in securitatem suam — fratrem e medio tolli magnopere optabat. Atque in hunc maxime modum Christiani, Turcis præsertino finitimi, a quibus minime oportuit, pene proditi sunt. Nam Bajazethes, domestico metu liberatus, statim animo voluntare cœpit Christianos aperte oppugnandi, atque opportunitate rerum gerendarum, que ad illam diem haudquam patuerat, uti. *Coinp. H a m m e r's Gesch. des osman. Reiches.* Bd. 2, S. 277.

²³ L. Ranke's *Gesch. der roman. u. german. Böller* v. 1494 — 1535, Bd. 1, S. 62 ff. Leo's *Gesch. v. Italien.* Th. 5, S. 96 ff.

²⁴ John Borgia was murdered four weeks after he had been made duke of Benevento (see note 18), as is expressly related by *Lud. Tübero*, lib. VIII. § 15, *Machiavelli* († 1527). *Hist. Fragmente von Nicolo di Bernardo dei Machiavelli*, translated by H. Leo, Hannover, 1828. 8vo. S. 115) and *Guicciardini*, lib. III., by order of his brother, Cæsar Borgia, whose object it was, from this time forward, to free himself from the trainmels of his ecclesiastical character, and to take his brother's place. Thus he demanded of king Frederick his eldest daughter to wife, and the principality of Tarentum as her dowry; see *Machiavelli*, l. c. S. 159. *Guicciardini*, lib. IV. Ranke, S. 169 ff.

²⁵ *Burchardus in Eccard II.* p. 2096: Feria sexta, decima tertia Augusti (1495), in secreto Consistorio Dominis Cardinalis Valentinus proposuit, se ab ineunte aetate inclinatum semper fuisse statui sæculari, sed Sanctissimum Dominum nostrum voluisse, ut se daret statui ecclesiastico, et ad Ordinem se promoveri

In gratitude the latter created Cæsar, duke of Valentinois (1498), and furnished a large army to enable him to subdue one by one the powerful vassals of the territories of the church, and from their possessions to form for himself a principality.²⁷ At the same time Naples was conquered

Diaconatus, cuius voluntati se opponere visum non est. Cum autem omnis ejus voluntas et inclinatio sit adhuc ad statum sacerdotalem, supplicavit, S. D. N. dignatur cum singulari clementia prosequendo secum dispensare, ut diuissim habitu et dignitate ecclesiastica liceat ei redire ad sacerdotium, ac matrimonium contrahere. Et Reverendissimos Dominos Cardinales rogavit, quatenus hujusmodi dispensationi consentire vellet, et cum eo S. D. N. supplicare. — Cardinales omnes communiter concordi voto remiserunt dispensationem hujusmodi arbitrio et voluntati ejusdem S. D. N. *Lud. Tubero*, lib. VIII. § 15, in *Schwandtner* II. p. 282: Hoc parricidio (the murder of his brother, see above, note 24) admissis Cæsar Cardinalatu, quem a patre ultra oblatum non religionis studio, sed spe, ut plerique faciunt, opulentioris fortunæ acceperat, sese sponte abdicavit, palam professus, se a Pontifice progenitum, et ob id tanto nequaquam idoneum sacerdotio: æque ac majus flagitium esset, illegitime natum sumnum sacerdotium obtinere, quam sacris Deoque dicatis pecuniis, ac in hospitalitatem absumentis abuti, atque his ipsis regna, pulsis justis regibus, per nefas parare. Immediately after, A. D. 1500, the Pope appointed him Capitanus Generalis et Confalonarius S. Romanæ Ecclesiæ, *Burchard*, p. 2115.

²⁶ Louis, duke of Orleans, succeeded his cousin, Charles VIII., in April, 1498. *Ludov. Tubero*, lib. VII. § 14, in *Schwandtner* II. p. 254: Qui (Ludovicus Aurelianensis) quidem una cum regno uxorem etiam ipsius Regis in matrimonium accepit, prima conjugie novo inter Christianos exemplo repudiata, apud quos sane conjugium non nisi morte alterius dirimitur. Ferunt autem, Aurelianensem hoc consilio tantum facinus Alexandru VI. Romano Pontifice annuente admississe, ne scilicet a Francorum regno Armoricae civitates, quas gentes nunc Britones vocant, ad imperium et jus Annæ uxorius Caroli spectantes, deficerent, si illa alium virum sibi matrimonio adjungeret. Hæc enim mulier, nulla in domo paterna virili sobole superstite, Britonum regionem hæreditario jure obtinebat. Nec mirum, si tales nuptiae ab Alexandro VI. Romano Pontifice permisæ sunt; cum et ipse Alexander filiam suam, ex quadam adultera susceptam, atque cum Principe Pisauriensium matrimonio conjunctam (see note 18), e viri thalamo adversus leges pontificias abriperuerit, atque alii in matrimonium, sola fortunatioris conjugii spe, dederit. — The pretended grounds for the divorce, and other circumstances of the transaction, see in Machiavelli's hist. Fragmenta, translated by Leo, S. 154.

²⁷ Raph. *Volaterrani* comm. urb. *Anthropologia*, lib. XXII.: Post ejus (John Borgia) mortem Cæsar Cardinalis spredo sacerdotio ejusque ordine, cupidus dominandi se ad Ludovicum Galliae Regem cum magna vi auri ac suppellectilis contulit, ejusque propinquam de Lebreto (Charlotte d'Albert, sister of the king of Navarre) in matrimonium una cum oppido Valentia accepit. Regis deinde auxilio perpetuoque feedere multum in Italia sibi ditionis paravit, Æmiliam imprimis omnem præter Boniam ejectis partimque necatis antiquis familiarium possessoriibus (from which the Pope formed for Cæsar the dukedom of Romagna, A. D. 1501), in Etruria Populinum, in Piceno Camerinum, Senogalliam, Urbignum, quod ex omnibus per prodictionem cepit. Nam cum ut hospes et amicus a Guidone Duce cum exercitu apud Callium exciperetur, extemplo dato signo urbem eam corripuit: inde propere Urbignum invadi mandat. Guido vero cum non satis virium improvisus ad resistendum haberet, ne in manus hostis perveniret, statim relictis omnibus nocte sequenti paucis comitibus ad sororium suum Mantuam aufugit. Pontifex interim Roma supplementa res agenti mittebat, una tantum cogitatione occupatus, quoniam modo eum maximum Principum constitueret: eapropter in animum iudicauit proceres urbi finitimos alia atque alia de causa prorsus omnes extinguere: cepitque a Cajetanis, vetusta familia, qui nonnulla apud Volscos oppida possidebant, Jacobum Protonotarium ex ea gente Honorati filium carcere inclusum necavit, adolescentemque unicum Colæ filium familæ superstitem absentem trucidari jussit, Columnensum deinde Gallorum auxilio expulsorum imperium omne invasit. Quod reliquum erat cum ad Ursinos anhelaret, nec satis causæ

by the combined forces of France and Spain, with the connivance of the Pope (1501),²⁸ but in 1507 fell to Spain exclusively.²⁹ During all this Alexander's aim was, by the sale of benefices, and of absolution, by the exercise of the right of spoil, and the tribute from the Turks, also by the murder of wealthy individuals and others who stood in his way, to get together as much as possible for the support of his luxurious court, and for his children.³⁰ At last his career was

haberet, occasionem est nactus, quam optanti hominum promittere nemo potuisset, ipsa dies jam obtulit ultro. Contigit nempe, ut ipsimet Ursini tantos Cæsaris successus tantamque imperandi cupiditatem adspicentes sibi quinque amicis timerent, ne cunctis iam sublati ipsi quoque delerentur. Itaque cum his, qui pari formidine adfiebantur una conspirant. Erant autem hi Joannes Bentivolius, Joannes Paulus Balio Perusinus, Vitellocius Tifernas, Liberoctus Firmanus, Pandulfus Petruscius Senensis, Baptista Cardinalis et Paulus Ursini. Qui omnes prope Perusiam concilio facto contra Cæsarem conjurant, e vestigioque irruptione facta Urbinum recipient et Camerinum, cohortesque Cæsarianas quæ ad succurrendum mittebantur in itinere adorti afflidunt, aliaque Aemiliae oppida tentare continuo festinant. Pontifex hoc accepto nuntio magnopere commotus omni studio placare sibi Ursinos imprimis conabatur, quod facile cunctos ipsorum sperabat auctoritatem secuturos. Itaque omni pollicitatione, humanitate, conditioneque delinitos in suam sententiam adduxit. Illi conciliati jam capta restituunt, de novoque Senogalliam Cæsari acquirunt, ubi Paulus et Gravina dux Ursini, Vitellocius et Liberoctus una convenerunt. Cæsar igitur, qui Forocornelii se confinebat, opportunum tempus se vindicandi ratus, eo cum exercitu Vasconum de improviso profiscitur; illi obviam inermes procedentes veniam petunt præteriorum: humaniter excepti sunt, custodiaque interim clam adhibitæ, ne fugere possent. Itaque jam deducendi officio functi cum discedere vellent, simulatione simul colloquendi restare jussi sunt. Cum in conclave venissent, exemplo clausa janua, et a militibus ad hoc ordinatis capti Vitellocius et Liberoctus eodem die strangulati, paucis post diebus reliqui (Dec. 1502, Jan. 1503). Nec mora, Perusia Tifernumque ejectis Vitelliis ac Balionibus Pontifici sese dediderunt. Pontifex interea Romæ ubi per nuntium celerem noctu captos hos esse accepit, Cardinalem Ursinum, quem multa prius blanditia speque securum reddiderat, mane hortatur ad Palatum venire, fingitque Columnenses prope urbem adesse, pontesque cepisse. Ille credulius ubi obteinperavit, capit et in molem Hadriani conjicitur cum Abbe Alviano Ursinarum partium. Præsul vero Florentinus et Jacobus Sanctacrucius eadem hora capti in Palatio sunt custodiiti. Sanctacrucius postera die dimissus vadibus datis, consentiente Cardinale, ad oppida Ursinorum Pontifici adsignanda: ipse vero Cardinalis paucis post diebus est elatus, causa mortis omnibus facile judicata (*Burchardus in Eccard* II. p. 2150: biberat, ut vulgo estimabatur, calicem ordinatum, et jussu Papæ sibi paratum. — Papa commisit socio meo, ut haberet curam funeris defuncti. Ego nolui interesse: nolui enim sapere plusquam oportet). Comp. *Guicciardini*, lib. IV. *Ranke's Gesch. der roman. und german. Völker.* Bd. 1, S. 173 ff. 201 ff. *Leo's Gesch. v. Italien.* Th. 5. S. 133 ff. 147 ff.

²⁸ Ranke, S. 179. Leo, Th. 5. S. 141 ff.

²⁹ Ranke, S. 195 ff. 207 ff. Leo, Th. 5. S. 157 ff.

³⁰ In 1502 a letter was sent from Germany to Rome, addressed to Sylvius de Sabellis, who had been plundered by the Pope, which is given by *Burchardus in Eccard.* II. p. 2144 seq. Sylvius is exhorted to make no more applications to the Pope. Hæc tibi in publicis Principum conventibus enarranda, hæc committenda pluribus exemplis atque per omnium manus tradenda sunt et disseminanda: frustra queri Christianam religionem de Mahometo antiquo ejus hoste, — cum iste novus Mahometus omni criminum feditate illum longe superaverit: — venisse tempora, quibus iam Antichristus — appareat, neque enim illum omnino unquam nasci aut excogitari potuisse, qui apertio Dei hostis, Christi oppugnator, fidei et religionis subversor inveniretur. Jam beneficia et dignitates ecclesiasticas — publica venditione dissipari, et illis sollemmodo cedere, qui aperta emptione plus pecuniarum quam cæteri largiuntur. — Omnia jam apud Pontificem esse venalia, dignitates, honores, matrimoniorum

worthily closed by poison which he had destined for a cardinal, on whose fortune he had designs (18 Aug. 1503).³¹

copulas, eorundem solutiones, divortia et repudia uxorum. — Nihil esse jam scelerum aut flagitorum, quod non Romæ publice et in Pontificis domo committatur: superatos esse Scythas latrociniis, Poenos perfidia, immanitate et saevitia Nerones et Caios: nam cædes, rapinas, stupra, et incestus referre, innumeri et infiniti prope operis foret. — Longum esset prosequi, — qui vel imperfecti, vel vulnerati, vel vivi in Tiberim dejecti, aut veneno consumpti sunt: quorum cum sit infinitus numerus, et in dies crescat pernicies; — nemo in urbe est etiam privatae fortunæ, qui sibi et suis jam non timeat. Quis horrenda libidinum monstra enarrare non formidet, qua aperte jam in illius domo et spreta Dei atque hominum reverentia committuntur; quot stupra, quot incestus, quot filiorum et familiarum sordes, quot per Petri Palatium meretricium, quot lenonum greges atque concursus, prostibula atque lupanaria. Feria Novembribus solemnibus omnium sanctorum ceremoniis dedicata quinquaginta meretrices urbanæ ad convivium in Palatium vocatae fœdisimum et detestabilissimum spectaculum præbuerent: et ut ad irritandum exempla non deessent, actitata est sequentibus diebus in publicum spectaculum equa, quæ spectante cum filiis Pontifice intromissos admissarios nimio Veneris ardore concitatos in furem et rabiem converteret (see an account of these enormities by *Burchardus*, p. 2134). Nihil esse jam auri, quod non ex omnibus populis Christianis ad filiorum luxum summa aviditate conquiratur. Propositum est in Turcas bellum publicare: ob eam speciem per omnes urbis basilicas preces indictæ, et venditæ exteris civitatibus erratorum indulgentia: ut scilicet ex hac conquisitione largos sumptus suppeditarent, ut esset, unde filia Pontificis gemmis atque auro onerata, pompam et Romanæ Ecclesiae tributa secum trahens, luxu inaudito ad maritum accederet; unde bellum antiquis civitatibus et veris Dominis inferretur. Pulso esse sedibus veteres incolas, maximam urbis nobilitatem proscriptione atque exilio ablegatam, antiquos Latii dominos suis fortunis et possessionibus privatos, ut ex eorum cladibus Pontificis iidem filii et nepotes, ex incestuoso partu adhuc in cunis vagientes, ad regna et opes promoverentur.

³¹ *Guicciardini*, lib. VI. *Ludov. Tubero*, lib. VIII. § 15, in *Schwandtner* II. p. 283. *Petrus Beubus* (cardinal, † 1547) hist. Venet. lib. VI. p. 218. Comp. *Paulus im Sophronizon*, Bd. 8. Heft. 5. S. 8 ff. Of Alexander's character, see *Raph. Volaterranus* Anthropol. lib. XXII.: In Alexandro, ut de Annibale Livius scribit, æquabant virtutis virtutes. Inerant namque ingenium, ratio, cogitatio, memoria, diligentia, eloquentia vero quædam naturalis, et ad persuadendum apta, ut nemo rem cautius propeneret, aut acerius defensaret, seu quovis cuperet impelleret, sese unum omnium animis admodummodo: cum jucundis de remissione, cum severis de disciplina, cum patribus de republica loquebatur. Suos adversarios placabilitate ac patientia devinciebat: nam eorum, qui de numero Patrum exulabant, quosve suspectos habuerat, nihil de pristina dignitate detraxit; Gallorum animos contumacissimos ita sedavit, ut amicissimi discederent; in tanta procurum Romanorum vastatione, quod sane incredibile, nullum in urbe tumultum, nulla sensimus arma: omnia ipse obire, parum in rebus arduis cuiquam fidere. — Idem in otio solutissimus, in metu constantissimus: nunquam negotia seu legationes audiendas voluptate prævertit, res in multam noctem protrahebat, brevissimi somni cibique. Artes liberales, si non colebat, admirabatur, juris præsertim scientiam ubi esse contingere. Salaria doctoribus, stipendia militibus, mercedem operariis nunquam est differre, nedum auferre, visus, cuius rei gratia exercitum, quem magnum sæpe nutritiebat ductore filio, fidelissimum habuit: brevique tempore ac negotio totam fere Æmilianam, quæ tributa non exsolverat, ei subegit. In annonæ difficultate, quæ bis contigit, advecta e Sicilia magna vi frumenti ita diligenter urbi providerat, ut plebes nullum fere sentiret incommodeum. Has igitur animi dotes magnis obruerat vitiis, quæ narrare non attinet: tantum referam, quæ vulgus adspexit. Si quando rerum fasce non premeretur, omni se remissionis generi sine discriminé dedidit: quapropter comedias Plautinas, cæteraque ludicra libenter spectavat, frequenterque in Hadriani molem ventitabat, ut palam personatos per eorum ferias, ac omnes dies festos si quid elegantius in hominum genere per viam præteriret, proprius adspiceret. In nuptiis filiæ, quæ ad virum Ferrariam profectura erat, equestres ludos et venationem in Vaticano extra ordinem dedit. In urbe gladiatorium nunquam licentia major, nunquam populo Romano libertas

§ 134.

PIUS III. (22 Sept. to 18 Oct. 1503), JULIUS II. (31 Oct. 1503 to 21 Feb. 1513), LEO X. (11 March, 1513 to 1 Dec. 1521).

Paris de Grassis (from 1504 Magister ceremoniarum, from 1513 bishop of Pesaro, † 1528) *Diarium curiae Romanae* from 1504–1522. (Excerpta therefrom in *Raynald* and *Roscoe*; from 1517 in *Mabillon Museum Ital.* II. p. 587; from 1518–1522 in *Hofmanni nova Scriptorum ac Monument. collectio.* T. I. p. 395 seq. Description of the whole in *Notices et extraits des MSS. de la Bibl. du Roi.* T. II. p. 546 seq. Perfect MSS. also in Wolfenbüttel and Munich, see *Sophronizon VI.* 1. S. 3 ff.)

The Life and Pontificate of Leo the Tenth, by *William Roscoe*. 4 vols. Liverpool. 1805.

After Alexander's death the newly formed principality of Cæsar Borgia was at once dissolved; the states of which it had been composed submitting again to their former masters, or acknowledging the rule of the Pope. At the same time the Venetians began to make incursions into the Romagna.¹ The warlike Julius II. resolved to restore the ancient papal sway in full. He first wrested Perngia and Bologna from those who held them (A. D. 1506). Finding it less easy to compel the powerful republic of Venice to give up its conquests, he at length resolved, though unwillingly, to call in foreign aid, and joined himself to the League of Cambray concluded between France and the emperor,² assisting them both with spiritual and tem-

minor. Delatorum magna frequentia, brevissimo maledicto poena mortis erat. Grassatorum insuper omnia plena; nec noctu tutum per urbem iter, nec interdiu extra urbem. Roma, gentium refugium, et arx populorum omnibus saeculis, nobilis jam carnificina facta erat. Quæ quidem omnia suorum causa, quibus omnia indulserat, permittebat. Ipse quoque Cæsar, dum hæc ei liuere, ea fuit indole, ut si ab initio in bonos incidisset vita monstratores, perpetuam sibi reique Romanæ gloriae peperisset: nam et in ea adolescentia, quantum perspicere potuimus, nec deliberanti consilium, nec ductantи exercitum majorum disciplina, neque sermonem habenti facundia defuere: eaque denum a natura liberalitate, ut patris avaritiam sæpe palam detestaretur: a justitia quoque, uti videbatur, minime abhorrens; quin in AEmilia jam adepta summa aequitate populos regebat, ac judicem gravissimum Antonium Montanum juri dicundo præposuit, tanta subditorum probatio, ut illi vel defuncto Alexandre, quod minime putabatur, in officio persistenter. Verum ut sterile solum et intemperies celi bona frugum semina præcipiant, sic et hunc prava institutio, ac proximorum libido a recta virtutis semita detorserunt, ex quo seque ac omnem Italiam variis calamitatibus involvit.

¹ Ranke's Gesch. der romanischen u. germ. Völker from 1494–1535. Bd. 1. S. 216, 221 ff. Leo's Gesch. d. ital. Staaten. Th. 5. S. 168 ff.

² Ranke Bd. 1. S. 273 ff.; 302 f. The Pope, the emperor, and the kings of France and Arragon, allied themselves here against the Venetians (*Raynald*, 1509, no. 4.) pro recuperatione seu reintegrazione omnium depreditorum. — Nec prius a prædicta invasione, seu guerra, aut armis per aliquem eorum desistetur, quam omnino et integre Apostolica sedes recuperaverit Ravennam, Cerviam, Faventiam, et Ariminum, — ac omnia alia, quæ de statu et juribus Ecclesiæ Romanae dicti Veneti occupant et detinent; et — Imperator recuperaverit Roveretum, Veronam, Paduanam, Vicentiam, Tarvisium, Forumjulium, — necnon Patriarchatum Aquileiensem, — omnia alia loca et dominia per ipsos Venetos in hoc ultimo bello capta et occu-

poral arms in the war against Venice.³ To divide where they could not hope to conquer, or even resist, the Venetians made the desired concessions to the Pope. Julius, already concerned at the progress of the French arms in Italy, readily listened to their overtures (Feb. 20, 1510),⁴ and immediately commenced hostilities against the French and their ally, the Duke of Ferrara. On the 3d of July, 1510, he deprived the king of France of Naples, bestowing it on Ferdinand, the Catholic,⁵ whilst against the duke of Ferrara he issued a sentence of condemnation on the 9th of August.⁶ It was in vain that Louis XI. attempted to intimidate him by a national council at Tours, Sept. 1510,⁷ and Germany by weighty *gravamina*, as well as the threat

pata ex terris et dominiis domus Austriae; et pari modo ipse Christianissimus Francorum Rex recuperaverit totaliter Brixianum, Bergomum, — et generaliter omnia ea, quae fuerunt antiquitus de ducatu et dominio Mediolani; — et similiter ipse serenissimus Rex Aragonum recuperaverit ea omnia, quae ipsi Veneti de regno Neapolitano — quovis modo abstulerunt, — videlicet Tranum, Brundusium, Otrantum et Gallipolim. An account of the attempt made by Julius, notwithstanding the treaty to effect a reconciliation with Venice, see in *Petrus Bembus* (of Venice, Cardinal, † 1547) hist. Venetæ lib. VII. in the *Istorici delle cose Veneziane*, i quali hanno scritto per publico Decreto. T. II. p. 260: *Confecto foedere Julius tametsi cupiditate ferebatur Arimino Faventiaque potiundi, quia tamen et Gallorum Regem magnæ per se potentie multo majorem suo permisso fieri solebat, et cum illam nationem, tum Germaniæ populos in possessionem Italiae venire, optimæque ejus partis atque populosissimæ dominos fieri, sibi reliquisque Italij detrimentosum existimabat futurum, ut ab illis Venetos opprimi sineret, adduci prope non poterat.*

³ *Bembus* hist. Venet. lib. VII. p. 273: Julius — præter quod exercitum in fines reipublicæ introduxisset, ad illud etiam pertinaciter descendit, ut Lauredano Principi, Senatusque omni Veneto, et civibus singulis aqua et igni interdicaret, ejusque rei literas omnibus hominibus vulgandas proponeret maledictorum et execrationum plenas, nisi die praestituta non Faventiam modo atque Ariminum, sed Ravennam quoque Cerviamque sibi tradiderint: quæ quidem oppida centum ferme annos in reipublicæ imperio fuerant, neque ullus ea Pontifex Maximus in dubium revocaverat, quin jure a republica possiderentur. (The bull dated 27 Apr. 1509, in *Raynald*, ad h. a. no. 6, threatens, after 24 days' interval, not only the Anathema and Interdict, but further (which *Raynald* omits, but which we find in *Guicciardini*, lib. VIII. p. 737 seq.), that the possessions of the Venetians in all countries shall be seized, and they themselves sold for slaves.) Quia intellecta re ne plebs ejusmodi literis, plus quam tempora et reipublicæ difficultates postularent, permoveretur, Senatus cavit, ne recipierentur, neve, qui afferrent, admitterentur: appellavit etiam de eo futurum Concilium, missis Romam affixisque in templorum foribus publicæ expostulationis literis, missis etiam in Pannoniam ad Thomam Cardinalem Strigoniensem: nam ei propter Patriarchatum Constantinopolitanum, cui præferat, una cum tribus Episcopis Concilium cogendi jus potestasque antiquitus erat attributa.

⁴ *Bembus*, lib. VIII. p. 285, 291, 294; lib. IX. p. 350; lib. X. p. 358. Ranke Bd. 1. S. 322 ff. Leo Th. 5. S. 217 ff.

⁵ The document in *Raynald*, 1510, no. 25.

⁶ See *Raynald*, 1510, no. 15.

⁷ Of which see the account of the imperial ambassador sent to Margaret of Austria, in the Lettres du Roy Louis XII. et du Cardinal George d'Amboise (à Brusselle, 1712. 4 T. 12mo.) T. 2. p. 29. The chancellor was ordered to open the council (p. 32), narrant tous les biens et grans plaisirs, que ledit Seigneur Roy avoit fait au Pape avant et après sa Papalité et mesmement pour le faire eslire Pape, narrant aussi l'ingratitudo et la mécongnissance dudit Pape envers ledit Seigneur Roy, et comme sans cause ny raison il avoit rompu l'alliance faicté à Cambray entre si nobles Princes de Chrestienté, aussy l'emotion qu'il avoit fait des Suisses, et ce qu'il avoit voulu faire contre Gennes, et la ligue qu'il avoit faite avec les

of a Pragmatic Sanction 1510:⁸ even a general council summoned

Venitens, et semblablement ce qu'il faisoit contre le Due de Ferrare son alié : et leur a fait donner aucuns articles per escript, sur lesquels il demandoit leur avis et conseil. Of these articles, or questions, and the answers of the council, there are three texts, the first in the collections of the Acts of Councils (e. g. *Harduin IX.* p. 1555), the second in the French translation in *Nic. Gilles* *Croniques et Annales de France* (Paris, 1566. fol.) vol. II. fol. 133 b., the third in *J. E. Kappens Nachlese einiger zur Erläuterung der Reformationsgesch. nützlichen Urkunden.* Th. 4. S. 490, all three given by Kapp S. 470 ff. The council decides that the king has a right in self-defence against the Pope as his known enemy, to invade the territory of the church, and deny the authority of such a pontiff; to the question, what shall be his course afterwards, the first text has: servandum esse jus commune antiquum et pragmaticam sanctionem regni, ex decretis sacrosancti Concilii Basileensis desumptam ; in the third : appellare in omnibus ad futurum Concilium. Finally to the question: si Pontifex injuste, ordine juris non servato, procedens de facto, et manu armata, pronunciet — aliquas censuras contra Principes sibi resistentes, — an ei parendum sit, et quod remedium adhibendum ? the first text replies: conclusum est unanimiter per Concilium, talem sententiam nullam esse, nec de jure, vel alio quocumque modo ligare ; the third : non esse parendum, sed appellandum ad futurum Concilium. At the close follow in the third text certain Conclusiones (see Kapp, S. 493), the contents of which are given also in the account of the imperial ambassador (*Lettres du Roy Louis XII.* T. II. p. 47). They contain first complaints of the oppressions et indebitas exactiones contra stylum in Romana Curia Ecclesiae Gallicanae impositas, quibus nulla provisio adhibetur per S. D. N. nec per ejus officiales, et quod deterius est, nulli licet libere de hujusmodi gravaminibus querelam facere in dicta Curia Roinana ; — et quasi in cunctis ita oppressa est dicta Ecclesia Gallicana, ut nunquam antea. Then the enmity of the Pope to the king is shown, and the conclusion drawn, Oratores instituendos ad ipsum S. D. N. Julium secundum — et Reverendissimos Cardinales, qui qua decet reverentia supplicant, — ut Sanctitas sua velit congregare Concilium Ecclesiae in loco tuto et convenienti ad determinationem ultimorum Conciliorum generalium, quatenus fieri poterit ; idemque proceret Christianissimus Rex apud Imperatorem et alios Principes Christianos, ut sibi adiut et opem ac auxilium ferant pro eodem Concilio generali congregando ad reformationem Ecclesiae universalis in capite et in membris : et supplicare etiam eidem S. D. N., — ut interim — durantibus dissensionibus, quae nunc sunt inter S. D. N. et eundem Regem suosque subditos, det Pœnitentiarum in regno Franciae — cum potestate dispensandi et providendi in omnibus casibus, votis, absolutiōnibus ab excommunicationibus, irregularitatibus, et aliis censuris intervenientibus, et dispensationibus in gradibus consanguinitatis et affinitatis, et universaliter cum plenaria potestate providendi in omnibus casibus concernentibus forum pœnitentiæ et salutem animarum : in casu quo S. D. N. recusaret Concilium generale vel nimis differret, — vel recusaret Pœnitentiarum deputare, cum protestatione expressa nominibus Christianissimi Regis et Ecclesiae Gallicanae contra pœfatum D. N. Papam et suos Cardinales ad omnia juris remedia.

⁸ See the Acta in *Orthuini Gratii fascie. rerum expetendarum et fugiendarum* fol. 167 seq.; and thence in *Flacii catal. test. verit. no. 186* (ed. Francf. 1666. p. 467 seq.). *Georgii imperatorum totiusque nationis germ. gravamina adv. sedem Romanam. Francof. et Lips. 1725. 4to. p. 279 seq.* *Münch's Concordate* Th. I. S. 96 ff., and in various other collections. From their agreement with *Jac. Wimpelingii Replica contra Æneæ Sylvii tract. de Germania* (see § 132, note 19) *Tentsel* (hist. Bericht vom Anfang u. ersten Fortgang der Reform. Lutheri S. 64 Ann.) justly concludes that they were drawn up by Wimpeling. The Gravamina perhaps were written in the name of the States-general, but hardly the following Acta: in the Avisamentis it is the most distinctly seen that they must have been the work of an individual, and by him presented to the emperor. First come X. Gravamina nationis Germanicæ: I. Quod ad servandas bullas, pacta, privilegia et literas, ab antecessoribus absque omni derogatione concessas, successores Pontifices teneri se non arbitrantur: imo per crebras dispensationes, suspensiones, revocationes ad eujuscunque (etiam vilis) personæ instantiam contraveniunt.

by both princes at Pisa, A. D. 1511, had no power to move

II. Quod electiones Prælatorum quandoque rejiciuntur. III. Quod electionibus Præpositurarum, quas quarundam Ecclesiarum Capitula multo ære impetrarunt, contravenitur. — IV. Quod beneficia et dignitates majores Cardinalibus et protonotariis reservantur. V. Quod expectativae gratiæ absque numero conceduntur, et multæ interdum ad unum collatorem. Unde surgunt quotidianæ lites, et pecuniae dilapidantur. — VI. Quod annatae absque dilatione et sine misericordia, etiam Episcopis intra paucos annos mortuis, exiguntur. Interdum plus, quam debeatur, extorquet propter nova officia et novos familiares. — VII. Ecclesiarum regimina minus dignis (Romæ videlicet) committuntur, qui ad mulos magis, quam homines pascendos et regendos essent idonei. VIII. Indulgentiæ novæ cum revocatione aut suspensione veterum, laicis contra Clerum nūrmurantibus, ad corradendas pecunias conceduntur. IX. Decimæ sub prætextu expugnandorum Turcarum exiguntur, nulla expeditione subsecuta. X. Causæ, qua in Germania, in qua etiam docti et justi judices sunt, terminari poterant, ad tribunalia Romana indistincte trahuntur. Then follows Remedium contra gravamina nationis Germ., representations to be made to the Pope, drawn partly from the greatness of the evil and its injustice, and partly from the situation of the country. For instance, it is to be represented to him that the diocese of Mayence paid formerly only 10,000 florins, and that this had by him been increased to 20,000, and then even 25,000, 27,000, and 24,000 had been wrung from them. Non sine causa Jacobus Archiepiscopus Moguntinus jam fere moriens dixit, se de morte sua non adeo dolere, quam ob id, quod subditi sui pauperes iterum pro pallio gravem exactionem dare cogerentur. Mitius ergo suminus Pontifex, velut pius pater, filiorum suorum amator, et fidelis ac prudens pastor, cum filii suis Germanicæ nationis agat, ne propediem vel in universos Christi sacerdotes persecutio suboriatur, vel instar Bohenorum plerique ab Ecclesia deficiant Romana. In the *Remedium pro civitatibus Imperii et animarum salute* follow their representations against a plurality of benefices in one individual, and a petition that the lower places might be more worthily filled. These are succeeded by *Avisamenta ad Cæsaream Majestatem*: in which a Pragmatic Sanction, similar to that of France, which indeed had formerly been proposed, though in vain (see § 132, note 19) is suggested. Sicut regnum Franciæ pragmaticam habet sanctionem, cui in conferendis beneficiis innititur, sic Imperium Romanum habet concordata Principum, utque ea illæsa conserventur, interest Cæsarea Majestatis. — Posset etiam Cæsarea Majestas per literas aut oratores facile in regno Franciæ experiri, quomodo illie beneficia conferantur, et quam auctoritatem in conferendis beneficiis habeat summus Pontifex. Secundum hoc posset moderamen fieri in Imperio Romano, et frenum inexpibili avariis Curtisanorum adhiberi. Si præclaræ universitates, præcipue facultas theologiae Parisiensis approbaverit modum illum, qui de disponendis et conferendis beneficiis in Francia servatur: nemo dubitet, Cæsaream Majestatem et Principes Germanos, si se isto modo conformaverint, apud Deum tutos fore et excusatos. Præsumendum enim est, quod tanti Prælati, tanti doctores, tam probati viri, qui in regno Franciæ ac in Studio Parisiensi vivunt, nihil approbent, quod contra Deum aut justitiam committeretur. Provideat tamen Cæsarea Majestas, ne Archiepiscopi Electores in hoc sancto instituto a se dissentiant — propter censuras Apostolicas quas timebunt: et populus interdictum diu non sustinebit. Provideat etiam Cæsarea Majestas, ne fratres mendicantes contra ipsam prædicent, qui sedi Apostolicæ libenter deferunt, timentes perdere privilegia sua. — Timeat Cæsarea Majestas, ne Papa mandet Electoribus, ut ad electionem novi Regis Rom. procedant, sicut contra Fridericum secundum Lantgravium Thuringie et Guilelmus Hollandiæ comes jubente Papa fuerunt electi. Timeat Cæs. Majestas omnes Prælatos Ecclesiarum, præcipue Præpositos (who were appointed by the Pope, see § 132, note 4), qui ex juramento tenentur avisare Papam, etc. The *Conclusio et pia exhortatio ad Cæs. Majestatem* closes the whole. Its effects are seen in the imperial edict annexed, dd. (Eniponte 1510, against a plurality of benefices, and the obtaining them by Simony, which is forbidden sub pena criminis læsa Majestatis et gravissimæ nostræ offensæ. The emperor then commissioned Jacob Wimpfeling, according to the counsel given in the *Avisamentis*, to arrange the *Sanctio Pragmatica* of the French for Germany. Maximilian's letter to Wimpfeling, with his answer, and a sketch of the *Sanction* so altered, see in *Flacii Catal. ed. Francof.* 1666. p. 474. *Georgii*, p. 315 seq.

him.⁹ On the contrary, he summoned an ecumenical council at the Lateran on the 18th of July, 1511, to April, 1512 (Conc. Lateranense V.),¹⁰

⁹ Immediately after the Council in Tours, Matthew Lang, bishop of Gurk, appeared in France as ambassador of the emperor to renew the league of Cambray (Lettres du Roy Louis XII. T. II. p. 67 seq.), and then repaired to Italy to arrange affairs with the Pope. But the Pope not being able to corrupt the bishop (l. c. p. 107), nor the bishop to overcome the obstinacy of the Pope (p. 168, pour mettre le Pape hors de la obstinée et dyabolique pertinaxité où il est), (see the letter of the bishop of Gurk to the bishop of Paris, p. 160 seq.), this last returned at the end of April, 1511, without having effected his purpose (p. 205). *Paris de Grassis in Raynald*, 1511, no. 57. Comp. Leo's *Gesch v. Italien*. Th. 5. S. 229 ff. In the mean time many French prelates assembled at Lyons in April, to arrange preliminaries for a council (Lettres II. p. 145): at the same time negotiations were begun in Milan with three cardinals, who had deserted Julius, and in their name and that of six other cardinals, letters were issued on the 16th of May, 1511, for a general council at Pisa on the 1st of September, according to the *Convocatio Concilii in Richerii hist. Concill. lib. IV. P. I. cap. 3*, considerantes quantum reipublicæ Christianæ utilitatem Concilia generalia universalis Ecclesiæ attulerint, quantumque detrimenti ex eorum intermissione Christiana respublica sit passa; cumque impræsentiarum conspiciant clare, magnam instare necessitatem universalis Concilii congregandi pro vera pace Christianorum fundanda, et sufficieni bello contra infideles stabiliendo: necon potissime pro reformatione morum universalis Ecclesiæ in capite et in membris plurimum collapsorum, ac emendatione criminum gravissimorum notiorum, continuorum ac incorrigibilium universalem Ecclesiam scandalizantium; — quoniam tempus decennii post ultimum universale Concilium jamdudum sit effluxum, et saluberrima decretali Constantiensi constitutione edita, quæ incipit *Frequens*, singulis decenniis universale Concilium congregari debeat, et S. D. N. Dominus Julius^r P. II., cui primo curæ esse deberet illud convocandi, tanto tempore hoc neglexerit, maxime cum voverit et juraverit post biennium a creatione sua illud tenere, et nendum negligens in præcepto Ecclesiæ et Concilii, sed et voti et juramenti hujusmodi transgressor, illud non tenuerit, tempusque interpellet pro homine, cumque numquam sua auctoritate aut voluntate futurum Concilium credatur celebrandum: et cum de gravibus Ecclesiæ scandalis in capite agendum sit, quo casu — ad summum Pontificem congregatio Concilii non attinet, sed secundo loco ad Revv. DD. Cardinales. The Pope is then called upon, abstinere a creatione novorum Cardinalium, et a publicatione creatorum, — et processu contra antiquos Cardinales, aliosque Prælatos et personas ad Concilium ipsum accedere volentes, — necon ab impediendo hujusmodi convocationem Concilii directe vel indireete, publice vel occulte quovis quæsito colore, et ab alienatione feudorum seu terrarum S. R. E. In quibus omnibus causis cum omni hunilitate protestamur de nullitate actus, etc. See two letters of the cardinals to Charles, prince of Spain and archduke of Austria, and to Margaret, archduchess of Austria, in the Lettres du Roy Louis XII. T. II. p. 235 seq.

¹⁰ See the bull announcing it in *Raynald*, 1511, no. 9 seq. In this Julius answers the allegations brought against him by the cardinals who had deserted his cause, declares the convocationem schismaticaæ conventiculaæ, synagogæ Satanæ et Ecclesiæ malignantium, per Dathan et Abiron, auctores schismatum corumque null; forbids it under penalty of every kind of ecclesiastical punishment, not excepting infamy; and passes a decree of interdict on the place where such council should assemble. Et nihilominus bonam intentionem nostram exequi volentes, ut antiquæ hæreses, quæ in diversis Christianorum partibus nondum extinctæ sunt, et pessimum noviter pullulans schisma extinguantur, reformatione morum tam ecclesiasticorum, quam sæcularium personarum, quæ de jure vel consuetudine reformationi vel determinationi Concilii subjiciuntur, bellorumque imminentium seditioni consultatur, unicuique quod suum est reddatur, — Christique fideles — congregati ad faciendum expeditionem contra infideles, iam regnum Sicilie infestantes, meliora ac nobiliora loca Christianorum occupantes, præsertim Jerusalem matrem nostram antiquam, et ex antiqua Christianorum negligenter dereditam, facilius et promptius intendant: in nomine sanctæ et individuæ Trinitatis, P. et F. et S. S. — œcumenicum, universale ac generale Concilium in alma urbe nostra, communi omnium

and joined himself in close alliance to France and Spain (October, 1511).¹¹ The Synod of Pisa was destitute of authority, being attended only by French prelates, and their measures against the Pope a mere show of imitating the Fathers of Basil.¹² After the French had been driven from Italy by the help of the Swiss, and the emperor had declared for the Pope and the Council of the Lateran,¹³ the Synod of Pisa soon disappeared, whilst the Council of the Lateran continued to thunder excommunication against it, as

patria, loco aptissimo et tutissimo, apud Lateranum, ubi plurima Concilia per antiquos patres nostros habita fuerunt, et Altissimus Petri sedem collocari voluit,— inchoandum A. D. MDXII. die lunæ XIX. mensis Aprilis — denuntiamus, convocamus, etc.

¹¹ The articles of the league in the *Lettres du Roy Louis XII. T. III.* p. 65 seq.

¹² Their Acta in *Richerii hist. Concill. gener. lib. IV. P. I. cap. 3.* In the Sessio I. on the 5th of November, 1511, all the papal decrees against the council are declared of no effect. Sess. III. on the 12th of November, the decrees of the Council of Constance concerning general councils (see § 130, note 8), are renewed, and it was then resolved absque ulla sui dissolutione to remove to Milan. An attempt was made to concert a council with the Pope: but their ambassadors not even being admitted to audience, a sentence of suspension was passed on him, Sess. VIII. on the 21st of April, 1512, accompanied by the declaration, ipsam papalem administrationem, propter gubernationis defectum, ne Ecclesia discrimen aliquod patiatur, ad ipsam sacrosanctam Synodus fuisse, esse et fore ipso jure devolutam. This, however, was the last session: soon after this, the fathers who composed the council were, most of them, scattered, for fear of the Swiss: an insignificant remnant removed to Asti, and soon after to Lyons. In Pisa as well as in Milan, the council was considered wrong, and the interdict was observed, *Guicciardini*, lib. X. The council was defended by Philippus Decius, Canonist in Pisa, then in Pavia, Consilium pro Ecclesiæ auctoritate supra Papam and *Apologia sacri Pisani Concilii moderni* (both in *Richer. lib. IV. P. I. c. 2.*), and Zacharias Ferrerius Vicentinus Abb. Subastensis (see *Raynald*, 1513, no. 51): against it Thomas de Vio Cajetanus de potestate Papa supra Concilium, Franciscus Poggius and Angelus Anachoreta Vallumbrosanus (see *Raynald*, 1511, no. 31, and *Mansi ad h. l.*). To the time of this council belongs the gold medal of Lewis, with the inscription: Perdam Babilonis nomen (see *Le Blanc traité hist. des monnoyes de France* ad p. 263, N. 3, Tab. 46), which Harduin (*Supplément du Journ. des Séavans Janv. 1707.* p. 194) attempts to refer to Cairo: see *Ch. S. Liebe Roma Babylon ex numis. Lips. 1714. 4to.* *Deyling observatt. sacr. P. III.* p. 498 seq.

¹³ During Julius' last sickness, 1511, the emperor seems to have conceived the idea of becoming his successor, cf. ejus epist. ad Baronem Paulum a Lichtenstein dd. 16 Sept. 1511 (in the *Lettres du Roy Louis XII. T. III.* p. 324 seq.): nihil nobis honorabilius, nihil gloriiosius, nihil melius obtingere posse, quam si præfatum Pontificatum, ad nos proprie pertinentem, Imperio nostro recuperaremus. He commissioned the bishop of Gurk to negotiate with the Pope to appoint him his coadjutor, and furnished him with money to bribe the cardinals; also to his daughter Margaret, queen of the Netherlands, he writes dd. 18 Sept. (probably 1511) (*Lettres T. IV. p. 1 seq.*), de avoir le Papat et devenir Prester et après estre Saint, et que yl vous sera de nécessité, que après ma mort vous scrés constraint de me adorer, dont je me trouveré bien gloryoës. See *E. S. Cyprianus de Maximiliano I. Imper. Pontificatum maximum affectante in his Dissertationes varii argumenti. Coburg. 1755.* Through the agency of Ferdinand the Catholic, he was drawn over to the League, April, 1512 (*Ranke Gesch. d'er roman. u german. Bolker. Bd. 1, S. 371 f.*): at the third Session of the Council of the Lateran, December 3, 1512, Matthew Lang, bishop of Gurk, appeared in the name of the emperor formally to join the council (*Paris de Grassis in Raynald*, 1512, no. 92, the document in *Labbe et Cossartii Concil. T. XIV.* p. 80 seq.).

well as the Pragmatic Sanction, and France.¹⁴ On the succession of Leo X., the relations with France became at once more pacific, and Louis XII. even sent deputies to the Council of the Lateran ;¹⁵ still the difficulties were not all settled, when the young king Francis I. advanced into Italy (1515).¹⁶ Leo, however, had the address to convert the threatened defeat into a victory by making peace at once with Francis,¹⁷ and in a personal interview at Bologna (Dec. 1515) prevailing upon him, by the assistance of the chancellor of France, du Prat, to abolish the Pragmatic Sanction ; in place of which a concordat was agreed upon between them, placing the ecclesiastical affairs of France mostly on the old footing.¹⁸ The Council

¹⁴ The council was opened on the 10th of May, 1512. Sess. II. on the 17th of September, the Council of Pisa was condemned, *Conciliabuli Pisani* (*Labbeus et Cossart XIV.* p. 63). Sess. III. December 3, (l. c. p. 82 seq.) a papal ordinance of August 13 was renewed, in which *regnum Franciæ, et præsertim Lugdunum, ducatu Britanniae excepto, — ecclesiastico subjecimus interdicto, nundinasque Lugduni fieri solitas in Lugduno extunc de cetero fieri inhibuimus, dictasque nundinas in civitate Gebennensi (Geneva) facientes transtulinus.* Sess. IV. December 10 (l. c. p. 97 seq.) the attack upon the Pragmatic Sanction began, First the letter of Louis XI. was read, in which he promises to annul it (see § 132, note 35), then a *Monitorium contra Pragmaticam et ejus assertores : Dudum displicenter per nos plurics accepto, per multa temporum spatia per nonnullos Prælatos Gallicæ nationis, et nobiles laicos, — præsertim eujusdam sanctionis prætextu, quam ipsi pragmaticam vocant, Apostolicae sedi, sanctæque Romanæ universalis Ecclesiæ capiti, libertati et auctoritati enormiter detractum, canonibusque præfatis derogatum fuisse ; rem adeo perniciosa, in Dei offensam, et Ecclesiæ præfatae vilipendium et evidens detrimentum, amplius ferre nequeentes, cum sanctio ipsa ab omni ad id potestate carentibus facta, sed quodam abuso tantum in illis partibus introducta et observata fuerit, — quam etiam claræ memoriae Ludovicus undecimus Francorum Rex abrogavit : — Gallicos Prælatos, Capitula Ecclesiarum et Monasteriorum, Parlamenta, et laicos illis faventes, cujuscunque dignitatis, etiam regalis existerent, sanctione præfata abutentes, seu illam approbantes — per edictum publicum — moneri et citari — ad comparendum coram nobis et Concilio præfato, causasque dicendas, quare sanctio præfata illiusque corruptela et abusio — nulla et invalida declarari, decerni et abrogari non deberet, — statuimus.*

¹⁵ Sess. VIII. the 17th of December, 1513, see *Labb. et Coss. Conc. XIV.* p. 177 seq.

¹⁶ Leo's Gesch. v. Italien. Th. 5, S. 274 ff.

¹⁷ In Viterbo the 13th of October, 1515. Leo, S. 286.

¹⁸ The circumstances of this interview are very accurately described by *Paris de Grassis* in *Raynald*, 1515, no. 29 seq.; but he says nothing of the negotiations. Its results were first made known by Leo X. at the 11th Session of the Council of the Lateran, December 19, 1516, by the bull *Primitiva illa ecclesia* (*Labbe et Cossartii Concil. XIV.* p. 292 seq.): *Sane inter arcana nostræ mentis revolventes, quot tractatus inter pie memoriae. — Romanos Pontifices, prædecessores nostros, et claræ memoria Reges Franciæ Christianissimos super abrogatione certæ constitutionis in dicto regno Franciæ vigentis, quæ Pragmatica vocatur, habiti fuerunt; et licet Pius II. præfatus, nuntiis ad cl. m. Ludovicum XI. Franciæ Regem Christianissimum destinatis, tantis eidem persuaserit rationibus, ut Rex ipse pragmaticam sanctionem hujusmodi, tanquam in seditione et schismatis tempore natam, suis patentibus literis abrogaverit; tamen hujusmodi abrogatio, nec etiam litera apostolica præfati Sixti super concordata, cum oratoribus præfati Regis Ludovici ad præfatum Sextum predecessorem destinatis habita, expeditæ per Prælatos et personas ecclesiasticas dicti regni receptæ fuerunt, nec ipsi Prælati et personæ ecclesiasticæ illis parere, nec monitis Innocentii et Julii prædicitorum aures præbere, sed eidem pragmaticæ constitutioni inhærere voluerunt. Unde — Julius — in præsenti Concilio Lateranensi — abrogationis pragmaticæ*

of the Lateran was now made to pass a formal sentence of condem-

sanctionis hujusmodi negotium — congregationibus — commisit, Gallicosque Prælatos, etc. — citari — ad comparendum coram eo — jussit. — Et cum super his in forma juris — procederetur, — nosque — ad sumini Apostolatus apicem assumpti fuissemus, et contra Prælatos, Capitula, conventus, et personas hujusmodi ad non-nulos actus processissimus : tandem considerantes, pacem esse vinculum caritatis, — matura deliberatione cognovimus, non per nuntios aut legatos nostros, sed in præstinatione obedientia filialis, quam carissimus in Christo filius noster Franciscus, Francorum Rex Christianissimus, personaliter nobis præstitit, hæc cum Majestate sua coram discutere, eamque paternis hortari monitis, ut ad laudem Dei et sui honorem prompto animo libens ac volens dictæ pragmaticæ sanctioni abrenuntiare, et secundum canones et constitutiones s. Romanae Ecclesiæ, quemadmodum cæteri Christiani, vivere, mandatis apostolicis et provisionibus, quæ a sede apostolica pro tempore emanarent, parere et obedire vellet : et cum ex electionibus, quæ in Ecclesiis cathedralibus et metropolitanis ac Monasteriis dicti regni a multis annis citra fiebant, grandia animarum pericula provenirent, cum pleræque per abusum sacerdotalis potestatis, nonnullæ vero præcedentibus illicitis et simoniacis pactionibus, aliæ particulari amore et sanguinis affectione et non sine perjurii reatu fierent, cum electores ipsi, etiamsi ante electionem per eos faciendam magis idoneum, et non eum, quem promissione aut datione alicujus rei temporalis, seu prece vel precibus per se vel alium interpositis electionem procurare didicissent, eligere sponte jurarent, juramentum hujusmodi non servarent, sed contra proprium hujusmodi juramentum in animæ sua præjudicium venirent, ut nobis notorie constat ex crebris absolutionibus et rehabilitationibus a nobis et prædecessoribus nostris petitis et obtentis : idem Franciscus Rex nostris paternis monitis, tanquam verus obedientia filius parere volens — in locum dictæ pragmaticæ sanctionis — constitutiones infrascriptas — cum prefato Rege concordatas — acceptavit. — (1. *De electione*) : quod cathedralibus et metropolitanis Ecclesiis in regno, Delphinatu, et comitatu Diensi ac Valentiniensi, — etiamsi per cessionem in manibus nostris et successorum nostrorum — sponte factam vacantibus, illarum Capitula et Canonici ad electionem seu postulationem inibi futuri Prælati procedere non possint : sed illarum occurrente hujusmodi vacatione Rex Franciæ — unum gravem Magistrum seu Licentiatum in theologia, aut in utroque seu in altero juriū Doctorem aut Licentiatum in Universitate famosa, et rigore examinis, et in vigesimo septimo suæ ætatis anno ad minus constitutum, et alias idoneum, infra sex menses a die vacationis — nobis et successoribus nostris — nominare, et de persona per Regem hujusmodi noninata per nos et successores nostros — provideri ; et si continget, præfatum Regem personam taliter non qualificatam ad dictas Ecclesiæ sic vacantes nominare, per nos — de persona sic nominata eisdem Ecclesiis minime provideri debeat, sed teneatur idem Rex infra tres alios menses — alium — qualificatum nominare : alioquin — Ecclesiæ tunc sic vacanti per nos et successores nostros — de persona, ut præfertur, qualificata, necnon Ecclesiis per obitum apud sedem prædictam (apostolicam) vacantibus semper, nulla dicti Regis præcedente nominatione, libere provideri possit ; decernentes electiones contra præmissa attentatas, ac provisiones per nos et successores nostros — factas nullas et invalidas existere. Consanguineis tamen præfati Regis ac personis sublimibus ex causa rationabili et legitima, — necnon religiosis mendicantibus reformatis, eminentis scientiæ et excellentis doctrinæ, qui juxta sui Ordinis regnaria instituta ad gradus hujusmodi assumi non possint, sub prohibitione præmissa minime comprehensis. In like manner with the Monasteriis et Prioratibus conventionalibus et vere electivis vacantibus. Per præmissa tamen non intendimus in aliquo præjudicare Capitulis Ecclesiæ, et Conventibus Monasteriorum, et Prioratuum, hujusmodi privilegia a sede apostolica proprium eligendi Prælatum obtainentium, quo minus ad electionem — juxta privilegia eis concessa libere procedere possint : — dummodo de privilegiis sibi concessis hujusmodi per literas apostolicas seu alias authenticas scripturas docuerint, omni alia specie probationis eis in hoc adempta. (2. *De reservationibus*.) Volumus quoque et ordinamus, quod in Regno, Delphinatu et Comitatu prædictis de cætero non dentur aliquæ gratiæ expectativæ, ac speciales vel generales reservationes ad vacatura beneficia per nos et sedem prædictam non fiant : et si de facto per importunitatem, aut alias, a nobis et succes-

nation on the Pragmatic Sanction and the principles which it taught ;

soribus nostris et sede prædicta emanaverint, illas irritas et inanes esse decernimus. In cathedralibus tamen — et collegiatis Ecclesiis, in quarum statutis caveretur expresse, quod nullus ibidem dignitatem — obtinere possit, nisi in illis actu Canonici existat, Canonicos ad effectum dumtaxat inibi obtinendi dignitatem — creare posse intendimus. (3. *De collationibus.*) In every cathedral church at least one Canoniciatus et præbenda theologalis shall be bestowed on a Magistro, seu Licensiato, aut Baccalaureo formato in theologia, qui per decennium in Universitate studii generalis privilegiata studuerit, ac onus residentia, lecturae et predicationis actu subire voluerit. Furthermore every collator shall bestow the third part of the benefices viris literatis, graduatis et per Universitatis nominatis, namely, such as fall vacant in the 1st, 4th, 7th, and 10th months. Also it is required of them to show that they have been in the university for a certain time, which, however, is for the nobility much shorter. (4. *De mandatis apostolicis.*) Statuimus quoque et ordinamus, quod quilibet Romanus Pontifex seuel dumtaxat tempore sui Pontificatus literas in forma mandati, juxta formam inferius annotatam, et non ultra dare possit hoc modo; videlicet unum collatorem habentem collationem decem beneficiorum in uno, habentem autem collationem quinquaginta beneficiorum et ultra in duobus beneficiis gravare possit. — (5. *De appellationibus.*) Statuimus quoque et ordinamus, quod in Regno, Delphinatu et Comitatu prædictis omnes et singulæ cause, exceptis majoribus, in jure expresse denominatis, apud illos judices in partibus, qui — illarum cognitionem habent, terminari et finiri debeant. Et ne sub umbra appellationum, quæ nimium et nonnunquam frivole interponi consuerunt atque etiam in eadem instantia ad prorogationem litium sæpe multiplicari, injustis vexationibus materia præbeatur: volumus, quod si quis offensus coram suo judice justitiæ complementum babere non possit, ad immedietum superiorem per appellationem recursum habeat, nec ad aliquem superiorem, etiam ad nos et successores nostros — omissio medio. Nec a gravamine in quacunque instantia ante diffinitivam sententiam quomodolibet appelletur, nisi forsitan tale gravamen extiterit, quod in diffinitiva reparari nequiret, et eo casu non nisi ad immedietum superiorem liceat appellari. Si quis vero immediate subjectus sedi Apostolicae ad eandem sedem duxerit appellandum, causa committatur in partibus per rescriptum usque ad finem litis, videlicet usque ad tertiam sententiam conformem inclusive, si ab illis appellari contigerit; nisi propter defectum denegatae justitiæ, aut justum metum; et tunc committi debeat in partibus convicinis. — Processus autem contra præmissa attentatos nullos et irritos esse volumus. — Statuimus etiam et ordinamus, quod judices causas, quæ in partibus terminari debent, — infra biennium terminare debeant. (6. *De pacificis possessoribus*) against disturbing unlawfully the holders of benefices. (7. *De publicis Concubinariis.*) Such priests shall be suspended for three months a perceptione fructuum omnium beneficiorum, and in case of their persisting, their benefices shall be taken from them. Quia vero in quibusdam regionibus nonnulli, jurisdictionem ecclesiasticam habentes, pecuniarios quæstus a Concubinariis percipere non erubescunt, patientes eos in tali fœditate sordescere; sub pena maledictionis aeterna præcipimus, ne deinceps sub pacto, compositione, aut spe alterius quæstus talia quovis modo tolerent aut dissimulent. (8. *De excommunicatis non vitandis.*) Ad vitandum scandala et multa pericula, subveniendum quoque conscientiis timoratis it is ordered, that no one is to be shunned pretextu — censuræ ecclesiasticae — ab homine vel a jure generaliter promulgatae, but only when the sentence has been pronounced specially against an individual or a community. (9. *De interdictis non leviter ponendis.*) The interdict is to be passed on a place only culpa ipsorum locorum, aut Domini seu Rectoris, vel officialium; and for the fault of a private person only, when the Magistrates, after having been called upon by the ecclesiastical court, refuse to drive forth the excommunicated person. (10. *De sublatione Clementinæ literæ.*) — The resignation of benefices is only then to be considered regular, when it shall be proved per publica instrumenta vel documenta authentica. (11. *De firma et irrevoabili Concordatorum stabilitate.*) After having established this it was provided that this Concordat, if not ratified within six months, and accepted by the French prelates and parliament, shall not be valid. Et nihilominus prefato Francisco — in virtute sanctæ obedientiæ mandamus, quatenus — præsentes literas —

asserting on the other hand the unlimited power of the Pope.¹⁹

publicari, et ea inviolabiliter observari faciat, contradictores, cujuscunque dignitatis et praeminentiae fuerint, per censuras ecclesiasticas et pecuniarias penas, aliaque juris et facti quævis opportuna remedia (appellatione qualibet omnino postposita) compescendo. Besides this Concordat some other matters were settled at Bologna, Comp. *Ce que le Pape octroya au Roy and Capita tractatus circa Concordata in Leibnitii Mantissa Cod. jur. gentium I. p. 158 seq. and Munchs Concordate, Th. I. S. 219 ff.* The Pope remitted a debt contracted by Louis XII. and bestowed various privileges and indulgences on the king, une decime and la croisade (*Cap. tractatus*, § 10). De Decima Papa concedit, ut, si quæ pars debeat dari Papæ pro fabrica basilicæ Principis Apostolorum de urbe [*caetera sit*] relicta libertati ipsius Regis. De Crucifixa Papa est paratus concedere, dummodo pecunia depontantur penes idoneos mercatores, convertenda pro sancta expeditione contra Turcas. The king on his part was obliged to approve the revival of the Annates, though this is passed over in silence in the Concordats (*Cap. tractatus*, § 6, quod Papa mittat unum Legatum in Regnum Franciæ, qui una cum aliquibus Prælatis, deputandis per Regem Franciæ, taxas Ecclesiistarum et Monasteriorum omnium moderetur augendo vel minuendo, etiam apud Monasteria, quæ in libris Cameræ apostolice taxata non reperiuntur : et interim servetur taxa libri dictæ Cameræ hactenus servata).

¹⁹ In this same 11th Session, in the bull confirmed by the council, *Pastor æternus* (*Labbeus et Cossart XIV. p. 309*) : Pastor æternus — migraturus ex mundo ad Patrem, in soliditate petrae Petrum ejusque successores vicarios suos instituit, quibus ex libri regum testimonio ita obediare necesse est, ut qui non obedierit, morte moriatur. Et ut alibi legitur, in Ecclesia esse non potest, qui Romani Pontificis cathedram deserit. — Sane felicis recordationis Julius Papa secundus — provide considerans cum eodem sacro Lateranensi Concilio Bituricensem regni Franciae corruptelam, quam illi pragmaticam sanctionem vocant, cum maximo animarum periculo et scandalo, ac dignitatis sedis Apostolicæ detrimento et vilipendio retroactis temporibus viguisse et adhuc vigere, — quamquam sanctio præfata ex multis nullitati notorie subjaceret, — ex abundanti tamen cautela — Gallicos Prælatos, etc. — monuit et citavit, ut — coram eo et Concilio compararent, causasque dicentes, quare sanctio præfata — nulla et invalida declarari non deberet. — Nos — ad summi Apostolatus apicem assumpti — terminum citationis — ad alium tune expressum terminum jam diu effluxum in diversis sessionibus pluries prorogavimus. Cum autem moniti et citati prædicti — coram nobis et dicto Concilio non comparuerint, nec comparere curaverint, — possintque merito contumaces reputari : — nos mature attendentes, pragmaticam sanctionem, vel potius, ut dictum est, corruptelam, schismatis tempore a non habentibus potestatem editam, — et a claræ memoriae Ludovico XI. Francorum Rege Christianissimo revocatain, cassatam, atque abolitam, auctoritatem, libertatem ac dignitatem dictæ sedis violare ac diminuere, — ipsamque notorie nullitati subjaceere, nulloque nisi aliquis temporis seu potius tolerantiae ejusdam adminiculo fulciri ; — ab ejusdem improbabæ sanctionis extirpatione et totali annullatione, sine nostra et tantorum patrum in praesenti Concilio congregatorum nota, ac nostræ et dictorum illa utentium animarum periculo, abstinere seu desistere non posse, Augustino teste, judicamus atque censemus. — Nec illud nos movere debet, quod sanctio ipsa et in ea contenta in Basileensi Concilio edita, et ipso Concilio instante a Bituricensi congregacione receptata et acceptata fuerunt, cum ea omnia post translationem ejusdem Basileensis Concilii, per fel. mem. Eugenium P. IV. — factam, a Basileensi conciliabulo — facta extiterint, ac propterea nullum robur habere potuerint : cum etiam solum Romanum Pontificem pro tempore existentem, tanquam auctoritatem supra omnia Concilia habentem, tam Conciliorum indicendorum, transferendorum, ac dissolvendorum plenum jus et potestatem habere, nedum ex sacra Scriptura testimonio, dictis ss. Patrum ac aliorum Romanorum Pontificum, — sed propria etiam eorumdem Conciliorum confessione manifeste constet. — Cupientes quoque hujusmodi negotium ad debitum finem perduci, — de apostolicæ potestatis plenitudine, eodem sacro approbante Concilio tenore presentium prefatam pragmaticam sanctionem seu corruptelam — nullius roboris vel momenti fuisse et esse decernimus et declaramus. — Neenon ad abundantiorem cautelam candem Bituricensem sanctionem sive corruptelam — revocamus, cassamus, — nullamus ac damnamus. — Et cum de necessi-

Great as was the indignation excited by this in France, there seemed no chance of resisting successfully the alliance of the highest temporal with the highest ecclesiastical power.²⁰ Thus the papal power

tate salutis existat, omnes Christi fideles Romano Pontifici subesse, prout divinae Scripturæ et ss. Patrum testimonio edoceemur, ac constitutione fel. mem. Bonifacii P. VIII. — quæ incipit *Unam sanctam declaratur*: pro corundem fidelium animarum salute, ac Romani Pontificis et hujus sanctæ sedis supremæ auctoritate, et Ecclesiæ sponsæ suæ unitate et potestate constitutionem ipsam sacro præsente Concilio approbante innovamus et approbamus, sine tamen præjudicio sanctæ memoriae Clementi P. V., quæ incipit *Meruit* (see § 95, note 2): inhibentes in virtute sanctæ obedientiæ, ac sub poenit. et censuris infra dicendis omnibus et singulis Christi fidelibus — in præfato regno Francie, Delphinatu, et ubicunque predicta pragmatica — vigeret, quomodolibet existentibus, — ne de cætero præfata pragmatica sanctione, seu potius corruptela, quomodolibet — uti — præsumant, — nec præfatam pragmaticam sanctionem, aut in ea contenta capitula seu decreta ulterius in domibus suis, aut aliis locis publicis vel privatis teneant: quininio illam ex quibusvis archivis, etiam regisi, seu capituloibus, et locis prædictis infra sex menses a data præsentium computandos deleant seu deleri faciant, sub majoris excommunicationis latæ sententiæ, necnon quad ecclesiasticas — personas — omnium — dignitatum aut beneficiorum ecclesiasticorum sacerdotalium, et quorumvis ordinum regularium privationis, et inhabilitatis ad illa in posterum obtainenda; quo vero ad sacerdotiales prefatae excommunicationis, necnon amissionis quorumcunque feudorum, tam a Romana quam alia Ecclesia — obtentorum, — inhabilitatisque ad omnes et singulos actus legitimos quomodolibet faciendo, infamesque ac criminiis læsæ majestatis in jure expressis penit. eo ipso — incurriendis: a quibus — nisi a Romano Pontifice, — præterquam in mortis articulo constituti, absolví nequeant.

²⁰ Comp. Relation de ce qui se passa sur la publication et l'enregistrement du Concordat au Parlement de Paris (in Münch's Sammlung aller Konkordate, Th. I. S. 255, translated into Latin in *Richerii hist. Concill. lib. IV. P. II. cap. 4, § 13*). In February, 1517, the king convened a great assembly of the prelates, the parliament, and the learned men from the university, and laid before them, through his Chancellor, a history of the Concordat he had made with the Pope. He speaks first of the hostility of the Popes to the king and to the Pragmatic Sanction, and of the summons to the king and the French church to appear before the Council of the Lateran. It was plain to all that an attempt to defend the Sanction in Rome would end in its being condemned, parce que l'assemblée de Latran n'était composée que de courtisans de la cour de Rome, qui à cause de leur extrême avarice, et de leur ambition avaient la pragmatique en horreur, et étaient résolus de l'anéantir à droit ou à tort. Il paraissait donc plus avantageux de se laisser condamner par défaut et sans que la partie fut entendue. Mais comme le Roi savait que, s'il voulait s'opposer à l'abolition de la pragmatique, Léon X. avec son assemblée de Latran procéderait contre lui et contre son Royaume par des censures et par des interdits, et que si ces interdits et ces censures subsistaient une année entière, il s'en suivrait contre l'église gallicane une condamnation de schisme et d'hérésie, et que le Pontife Romain, ayant recours à la ruse et aux ligues, à l'exemple de Jules II., livrerait en proie le Royaume de France. Il voyait aussi, qu'il n'avait aucun moyen d'empêcher l'abrogation de la pragmatique, et il n'ignorait pas, que, s'il n'y consentait, la France serait bientôt livrée au trouble et à la confusion, qui y régnaienit avant le Concile de Constance et de Basle à cause des abus insupportables des réserves et des grâces expectatives. Enfin, pour remédier à tous ces inconvénients, pour s'assurer ainsi qu'aux princes du Royaume et à toute son armée un retour facile et tranquille en France, pour dissiper les ligues faites contre lui, le Royaume de France, et ses principautés d'Italie, François Ier fut forcé de traiter avec le Pape Léon X.; et malgré tous ses efforts il ne put le faire, qu'en consentant à l'abolition de la pragmatique et à l'institution des Concordats. In an edict of May 12, 1517 (in *Leibnitii Mantissa cod. jur. gent. P. I. p. 161 seq.*, and in Münch, Th. I, S. 224), the king then published the concordat. In this he says again that as the Pragmatic Sanction could not be retained, he was obliged to take measures to prevent the recurrence of the disorders which prevailed before its introduction. This he had effected by means of the concordat,

seemed at length completely to have vanquished the hostile spirit which had appeared at the Councils of Constance and Basil, and had found a refuge chiefly in France ; and yet at this very moment it was on the brink of its deepest fall.

namely, so ut pleraque pragmaticæ sanctionis capita firma nobis posthac rataque futura sint. — Quod vero ad electiones pertinet, minime quod optabanus obtinere potuimus, causis in dictis conventis latissime insertis. The parliament, however, refused to register and publish the concordat, and issued two successive remonstrances against it, addressed to the king (in *Leibnitii Mantissa*, P. II. p. 335 seq., and in Münch, Th. 1. S. 268 ff.). In these the revival of the Annates in particular is protested against, which was likely évacuer en peu de temps ce Royaume d'or, d'argent et de finances, and which ne se pourroit pratiquer sans commettre le peché de Simonie. In like manner against the provision, que les grandes causes, les causes des Cardinaux et officiers de Cour de Rome ne seront traietées en ce Royaume, mais en la dicte Cour, the dangerous consequences of which are shown ; further against the provision that the Pope is to fill up those places, qui vacueront par mort en Cour de Rome ; that nothing was given up but the reservation of the beneficia vacatura, which could therefore be reserved post illorum vacationem. Then follow remonstrances against the abolition of the elections of bishops and abbots, a right which is affirmed to be moult ancien, et fondé en droit divin. Finally, the dangers are set forth which lie in the bull abolishing the Pragmatic Sanction. The two remonstrances close with the declaration, que les dicts Concordats sont contre l'honneur de Dieu, les libertés de l'Eglise, l'honneur du Roy et le bien public de son Royaume. Still the king persisted in his desire to have it confirmed, and became more and more positive therein. The parliament appealed on the 19th of March, 1518 (see the *Relation* in Münch, Th. 1. S. 267) au Pape mieux conseillé, et au premier concile général légitimement assemblé, and the king nevertheless having caused the concordat to be published in parliament on the 22d of March, the appeal was repeated on the 24th (see the appendix to the *Relation* of this day, which in Münch is wanting, in the Latin translation in *Richer.*). The example was followed by the university of Paris on the 27th of March, 1518 (stylo gall. 1517), which also appealed a Domino nostro Papa non recte consulto, et jani. dicti sacri Basileensis Concilii et ei adhaerentis pragmaticæ sanctionis statutorum abrogatione, novorum statutorum editione, consensus præstatione, et attentata quadam publicatione, et omnibus inde sequutis et sequituris — ad futurum Concilium legitime ac in loco tuto [congregatum], et quod libere et cum securitate — adire poterimus, et ad illum vel ad illos, ad quem seu ad quos de jure — vel alias nobis provocare et appellare licet. (The text of this appeal in *Leibnitii Mantissa*, T. II. p. 358 seq., and thence in Münch, Th. 1. S. 307, is incorrect, and, in many passages, unintelligible : a purer text in *Richerii hist. Concill. lib. IV. P. II. c. 4, § 14*, and in the *Preuves des Libertez de l'église gallicane*, chap. XIII. no. 18). Both appeals were made ineffectual by the power of the king : still the feeling against the concordats continued long to exist. Thus *Gilbertus Genebrardus* (professor of the Hebrew language in Paris, from 1593, archbishop of Aix, † 1597) *Chronographia*, Paris. 1580. fol. ad ann. 1515, says of Leo X. : Pragmaticam sanctionem sustulit, Concordata quæ vocantur cum Rege Francisco agitans de nominatione Episcoporum et Abbatum, specioso prætextu, ut Rex propter electionem abusus — nominare teneretur : revera autem ageretur mysterium illud iniuritatis, quo perditam Ecclesiam Gallicanam cernimus, and further on : Anno 1516 abrogata est in Galliis pragmatica sanctio, et Concordata, ut vocant, substituuntur, fremente universo clero, scholasticis, populo, bonis denique et doctis omnibus. He wrote also *De sacrarum electionum jure et necessitate ad Ecclesiæ Gallicanæ redintegrationum*, which work, however, was condemned to be burned.

§ 135.

GENERAL VIEW OF THE STATE OF PAPACY.

From the time of the Councils of Constance and Basil a new view of the papal power began to establish itself in the church, according to which it was regarded as a limited monarchy, checked and restrained by an ecclesiastical aristocracy, instead of an absolute monarchy, as it had hitherto been considered.¹ These two opposing

¹ Of the various theories of the time, see *Gerson de potest. ecclesiastica* (written in Constance during the council) consid. XII. (Opp. ed. du Pin, II. p. 246) : *Potestas ecclesiastica papalis non ita habent dominia et jura terreni simul et cœlestis imperii, quod possit ad libitum suum de bonis Clericorum et multo minus laicorum disponere ; quamvis concedi debeat, quod habet in eis dominium quoddam regitivum, directivum, regulativum, et ordinativum.* Declarationem hujus considerationis, quam discretio moderatrix atque mediatrix ponit inter errores oppositos, dum facere meditarer, occurrere visa est protinus in ipso meditationis meæ secreto duplex improba pestis. Nomen unius Detractio livida, nomen alterius Adulatio subdola : prima potestatem ecclesiasticam deprimens subjiciebat temporali; altera sustollebat in immensum, velut ad similitudinem Altissimi, confundens jura cuiuslibet alterius potestatis. Tolle, tolle, clamat Detractio, temporalitatem omnem, jus vel dominium ab Ecclesiasticis. Quare ? quia sic instituit Christus, cuius ista vox est : *Nisi quis renuntiaverit omnibus, quæ possidet, non potest meus esse discipulus* (*Luc. xiv. 33*). — Addit Detractio, quod Ecclesiastici nequaquam capaces sunt jurisdictionis temporalis, etiamsi Principes illis conferre voluerint. Inducit Apostolum, quia Nemo militans Deo implicat se negotiis sacerularibus (*2 Tim. ii. 2*). Addit Detractio, nihil habere Ecclesiasticos, neque decimas neque oblationes, quantumminus alias dotations vel possessiones, nisi ex pura eleemosyna donantum : et quod ab Ecclesiasticis peccantibus, saltem habitualiter, possent per sacerdotalem potestatem optimo jure tolli ; quia data est potestas hæc sacerdotis in vindictam malefactorum, neque sine causa gladium portat (*Rom. xiii. 4*). Addit quarto innitens Apostoli verbis : habentes alimenta et quibus tegamur, his contenti sinuus (*1 Tim. vi. 8*), quia quiequid habent Ecclesiastici ultra simplicem victum et vestitum, totum illud est pauperum, cuius retentio nedum furtum vel rapina simplex est, sed sacrilegium. — Vult tandem Detractio Ecclesiasticos omnes ad illam Apostolorum et discipulorum primam paupertatem sine equis, sine thesauris, sine calceamentis, sine possessionibus de necessitate salutis redigere, execrans in Ecclesiasticis pomparam omnem. — Consurgit ex adverso blandiens et subdola Adulatio, et ad aures Ecclesiasticorum, præcipue summi Pontificis, insusurrans : o quanta est, quanta sublimitas ecclesiasticae potestatis tuæ ! o sacer Clere, quam nihil est sacerdotis auctoritas tuæ comparata ! Quoniam, siue Christo collata est omnis potestas in cœlo et in terra, sic eam Christus omnem Petro suisque successoribus dereliquit. Unde et nec Constantinus quidquam Sylvestro Papæ contulit, quod non esset prius suum, sed redditum injuste detentum. Porro sicut non est potestas nisi a Deo (*Rom. xiii. 1*), sic nec aliqua temporalis vel ecclesiastica, imperialis vel regalis, nisi a Papa, in cuius femore scripsit Christus : Rex Regum, Dominus Dominantium (*1 Tim. vi. 15*). De ejus potestate disputare instar sacrilegii est : cui neque quisquam dicere potest : cur ita facis ? si etiam temporalia omnia, si ecclesiastica bona atque dominia mutaverit, diripuerit, distraxerit. Mentior, si non inveniuntur haec scripta, ab illis etiam, qui sapientes sunt in oculis suis ; si præterea non inveniuntur fuisse per aliquos summos Pontifices haec credita. Notum est illud Satyrici : Nihil est quod credere de se non possit cum laudatur diis aqua potestas ; et illud Comici de adulatore : hic profecto ex stultis insanos facit. Sentiens autem Adulatio quandoque nimis se cognosci, studet quasi modestiori sermone depresso uti, ut credibilior appareat. Concedit sacerdoti potestati possessiones et jurisdictiones proprias, quas tollere nequit pro libito Papa ; recognoscit, Constantium, vel alios Principes aliquid Ecclesiæ noviter contulisse : nihilominus tradit, quod sum-

views gave rise to incessant controversies; general councils against general councils, and writer against writer. On the one side were the Councils of Constance and Basil; on the other, those of Florence and the fifth Lateran Council.² The most remarkable controversy between writers is that between Thomas de Vio Cajetanus, and the doctor of the Sorbonne, James Almainus, at the close of this period.³ The leading principles of the new system were, that

mus Pontifex supremus est Monarcha, nedum in spiritualibus, sed temporalibus, habens potestatem hanc immediate a Christo, sed alii Reges omnes et Principes suam recipiunt dominationem ab eo, et solum mediate a Deo. Alioquin, ait, monstruosus esset hic mundus, si haberet tot capita, quae non sub unico regerentur, rediretque Manichei deliramentum, ponentis duo principia, unum bonorum et spiritualium, aliud malorum et temporalium. Unde et sicut corpus est propter animam, et ab anima vivit et regitur; sic potestas secularis propter spiritualem, a qua recipit suum esse legitimum. Quam auctoritatem spiritualem qui negant vel impugnant, sint intus, sint foris Ecclesiam, possunt gladio, vel spirituali excommunicationis, sicut Catholicci, vel debellationis, sicut infideles, feriri, et eorum dominia vel bona in alios transferri. — Rursus animadvertens Adulatio, durum esse multis hunc sermonem, et ideo minus credibilem, studet loqui restrictius, concedens, quod, sicut ante Petrum fuerunt apud infideles vera dominia, quemadmodum irrefragabilis auctoritas sacrae Scripturae et evangelicae narrationis testis est, sic non oportet nunc post Petrum, ut omnis potestas imperialis, regalis, vel altera secularis sit immediate robur habens a summo Pontifice, sicut Rex Francorum Christianissimus superiorem hoc modo non habet, nec recognoscit in terris. Idcirco transfert verbum suum Adulatio loqui de dignitatibus, officiis, et bonis Ecclesiasticorum, quae omnia sic subjicit summo Pontifici, ut quidquid circa ea placuerit disponere mutando, transferendo, appropriando, hoc possit, hoc teneat, et ratum sit, licet hoc sine causa, licet cum peccato suo peregerit: quamvis peccatum circa hoc vult Adulatio longe a Papa sic facere, ut cum simoniani posse neget committere, quoniam sua sunt omnia ecclesiastica bona, concedit insuper quod super jus est, potens ab altero jus suum tollere; et quod nec ab eo appellari, neque eum judicialiter evocari, nec obedientiam ab eo subtrahi, praesertim extra casum haeresis, sit aliquatenus possibile. Hic solus symbolum fidei condere, hic solus causas ejusdem fidei, et majores ceteras tractare potest; solus, ut jam tactum est, definitiones, regulas, leges et canones condit: alioquin quidquid per alios definitur, decernitur, conditur, statuitur, irritum est et inane; nec aliquid ex eis quae statuerit potest, nisi per ipsum, quomodolibet cassari vel infringi: ipsum vero aliena qualiscumque constitutio ligat nulla. Fallor, si non ante celebrationem hujus sacrosanctae Constantiensis Synodi sic occupaverat mentes plurimorum, literalium magis quam literatorum, ista traditio, ut oppositorum dogmatizator fuisset de haeretica pravitate vel notatus, vel damnatus. Hujus rei signum accipe, quia post declarationem ex theologiae principiis luce clariorum, et quod urgentius est, post determinationem et practicationem ejusdem sancte Synodi inventiuntur, qui talia palam asserere non paveant: tam radicum, et ut cancer serpens tam medullitus imbibitum fuit hoc priscae adulationis virus letiferum.

² In the *Definitio s. oecumenicæ Synodi Florentiæ* (*Labbe et Cossartii Concilia. T. XIII. p. 515*) we read: Item diffinimus, — ipsum Pontificem Romanum successorem esse b. Petri, principis Apostolorum, et verum Christi vicarium, totiusque Ecclesiæ caput, et omnium Christianorum patrem ac doctorem existere; et ipsi in b. Petro pascendi, regendi, ac gubernandi universalem Ecclesiam a domino nostro Jesu Christo plenam potestatem traditam esse.

³ In opposition to the Synod of Pisa *Cajetan* wrote his tract. *de comparatione auctoritatis Papæ et Concilii* (also in *Rocaberti biblioth. max. Pontificia. T. XIX. p. 443*), A. D. 1511, in which he defends the papal system in the most unscrupulous manner. The Synod of Pisa sent his work, 10 Jan. 1512 (see in *Richerii hist. concill. lib. IV. P. I. c. 2. § 9*), to the university of Paris, with a letter, calling upon the university to answer it. On this, *Jac. Almainus* wrote his tract. *de auctoritate Ecclesiæ et Conciliorum generalium* (in *Gersonii Opp. ed. du Pin II. p. 976*) in June, 1512. *Cajetan* wrote again *de comparata auctoritate Papæ et*

the temporal power was independent of the ecclesiastical,⁴ that the highest power in the church was that of the general councils,⁵ which

Concili Apologiæ Partes II. (in *Rocaberti* XIX. p. 493), and later still, A. D. 1521, de Romani Pontificis institutione et auctoritate (l. c. p. 526). Almainus was hindered from answering by death (A. D. 1513). Cajetan was answered also by the doctor of the Sorbonne, Johannes Major, a Scotchman, in various writings printed in *Gersoni* Opp. ed. du *Pin* II. p. 1121 seq.

⁴ See *Nicolai Cusani* de concord. cathol. (see § 131, note 12) lib. III. in *Schardii Syntagma tractatum*, p. 356 seq. *Joannes Major* comm. in *Seuent. lib. IV. dist. 24* (reprinted in *Gersonii* Opp. ed. du *Pin* II. p. 1121), and *Scholia* in *Evang. Matthæi*, cap. 16, written A. D. 1518 (under the title: disp. de potestate Papæ in rebus temporalibus. *ibid.* p. 1145). *Jac. Almaini* Expositio circa decisiones *M. Gul. Occam* super potestate sumini Pontificis (*Gersonii* Opp. II. p. 1013).

⁵ *Gerson*. de potest. eccl. consid. XI. (Opp. II. p. 243): Potestas ecclesiastica in sua plenitudo est in Ecclesia, sicut in fine, et sicut in regulante applicacionem et usum hujusmodi plenitudinis ecclesiasticae potestatis per se ipsam, vel per generale Concilium, ipsam sufficienter et legitime representans. Constat itaque, datam fuisse Petro plenitudinem ecclesiasticae potestatis a Christo ad ædificationem Ecclesiæ suæ, sicut conforainter ad Apostolum ponit descriptio. Propterea loquitur Augustinus cum aliis quibusdam, quod *claves Ecclesiæ datae sunt non uni, sed unitati*, et quod *datae sunt Ecclesiæ*. — Potest etiam dici in Ecclesia vel in Concilio hæc plenitudo ecclesiasticae potestatis nedum in se formaliter, sed aliis duobus modis, videlicet quoad applicationem ad hanc vel illam personam, et quoad usum regulandum, si fortassis in abusum verti quereretur. — Cum igitur summus Pontifex habens eam subjective sit peccabilis, et possit hanc potestatem in destructionem Ecclesiæ velle convertere; similiter sacrum Collegium, quod ei datum est et coassistit quasi communitas aristocratica, non est in gratia vel fide confirmatum: superest, ut aliqua sit relicta inobligabilis et indeviabilis regula ab optimo legislatore Christo, secundum quam possit abusus hujusmodi potestatis reprimenti, dirigi atque moderari. Hæc autem regula est vel Ecclesia, vel generale Concilium. — Hic fundantur ea multa, quæ per hoc sacrum Concilium (Constantiense) et constituta et practicata sunt: ut quod Papa judicari potest et deponi per Concilium, etc. *Nicolaus Cusanus* de concord. cathol. lib. II. c. 34, in *Schardius*, p. 349: Si universalis catholica Ecclesia infallibiliter per Christi assistentiam dirigitur; tunc concurrente omnium Christianorum consensu ad quamcunque conclusionem necessitatem salutis includentem, necessario sequitur, illam christianam, fidelem et veram. Universale vero Concilium dictans talem conclusionem consensu et legatione omnium fidelium, necessario ex Christi assistentia et Spiritu Sancto inspirante vere et infallibiliter dictat eandem. — Omnes autem provinciales Synodos, ac etiam Romanos Pontifices hoc privilegium non attingit. p. 351: Nec fuit Petrus ex illo primatu Ecclesiæ major: quoniam ipse ab Ecclesia et propter eam nominatur secundum Augustinum. — Quare illa Petri majoritas non fuit majoritas supra, sed infra Ecclesiam. Unde licet os sive caput esset Apostolorum ac Ecclesiæ, — tamen nihilominus tamquam membrum subfuit. — Unitas fidelium est illa, ad cuius servitium et observantium presidencia est super singulos. Hinc unitas fidelium, quam nos Ecclesiam dicimus, sive universale Concilium catholice Ecclesiæ ipsam representans est supra suum ministrum ac singulorum presidem. *Andreas Episc. Megarensis Gubernac. Concill.* (see § 131, note 19) in *v. d. Hardt Conc. Const. VI, IV*. p. 147: hæc plenitudo potestatis papalis non fuit data Petro, ut Petro, sed fuit data universalis Ecclesiæ. p. 162: quando Petrus claves accepit, has potius tota Ecclesia suppositaliter accepit in ipso Petro, sive per ipsum Petrum, et ipse Petrus claves accepit in typo, mystice; et ministerialiter ab ipsa Ecclesia universalis. Claves enim, quas Ecclesia non poterat per omnes exercere universaliter, voluit quod exequerentur per Petrum et ejus successores particulariter. p. 158: potestas universalis Ecclesiæ seu Synodi generalis convocatae canonice est major, quam potestas Papæ: — quia potestas Concilii est a Deo, Christo Jesu immediate, duntaxat; et potestas Papa est a Christo et Conciliis. *Alphonsus Tostatus* (teacher in Salamanca, then Episc. Abulensis and counsellor to the king, † 1454) comm. in *Numer. c. 15*, quæst.

for the most part were supposed to be infallible;⁶ that the Pope was

48: Claves Ecclesiæ datae sunt a Christo toti Ecclesiæ: quia tamen non poterat tota Ecclesia dispensare illas, cum non esset aliqua persona, tradidit eas Petro nomine Ecclesiæ. Si tamen intelligeretur, claves traditas esse Petro specialiter, non solum sequeretur inconveniens commune, quod alii Apostoli non habuissent aliquam auctoritatem clavium, quod falsum est, quia illis data est potestas remittendi peccata, ut patet *Joannis 20, cap. scil. accipite Spiritum Sanctum, et quorum remiseritis peccata, remissa erunt, et quorum retinueritis, retenta erunt*: ista tamen est sola potestas clavis: ergo alii Apostoli suscepserunt claves. Sed aliud inconveniens majus erat, scil. quod defuncto Petro non mansisset claves, quod necesse erat, si soli Petro datae fuissent, et non solum si ipsi soli, sed etiam si omnibus Apostolis datae fuissent claves specialiter tanquam determinatis personis, defunctis illis non mansisset claves in Ecclesia, quia isti non habebant potestatem dandi aliis claves, faciendo eos successores suos, cum nemo posset Praelatum successorem sibi facere. Et tamen omnes successores b. Petri et aliorum Episcoporum habent claves, sicut habuit Petrus et alii Apostoli: ergo non fuerunt datae claves illis tanquam determinatis personis, sed tanquam ministris Ecclesiæ, et tunc magis dabantur claves Ecclesiæ, cum Ecclesia, qua habet ipsas radicaliter, nunquam moriatur. Quast. 49: Ecclesia suscepit claves a Christo, et Apostoli tanquam ministri Ecclesiæ; et nunc Ecclesia illas habet, et Praelati etiam, sed aliter Ecclesia quam Praelati: nam Ecclesia habet secundum originem et virtutem, Praelati autem habent secundum usum earum. Dicitur Ecclesia habere secundum virtutem claves, quia potest illas conferre Praelato per electionem: — Ecclesia autem a nullo suscipit, postquam semel a Christo suscepit, ideo illas per originem et virtutem habet. *Pref. ad Evang. b. Matthæi* in referring to the Council of the Apostles: Hoc factum est Spiritu S. dictante, ut recognosceretur per hoc auctoritas et potestas Concilii generalis, qua nulla est major super terram, et non potest errare in pertinentibus ad fidem, nec errat in pertinentibus ad mores. Quilibet autem homo, quantumcumque sanctus et quantumcumque potestatis potest errare in fide et effici hæreticus. Sicut de multis summis Pontificibus legimus, ut de Liberio, de Joanne XXII., et aliis quibusdam. *Dionysius Carthusianus* (properly de Leewis of Ryckel, a Carthusian in Ruremonde, † 1471) de auctoritate Papæ et Concilii, lib. I. art. 31: Concilium generale non nisi propter causas singulariter magnas et arduas, utputa quæ alter congrue expediri non queunt, congregandum celebrandumque esse omnes fatentur. Porro hæ causæ sunt extirpatio hæreticæ pravitatis ac schismatis, declaratio fidei atque editio symboli ejus, universalis reformatio Ecclesiæ in capite et in membris. Itaque in expeditione istorum major dicitur potestas Concilii generalis quam Papæ, quoniam Christus promisit Ecclesiæ seu Concilio ipsam repræsentanti infallibilem directionem et gloriosam assistentiam incessantem; ita quod errare non potest in fide, neque in his, quæ ad bonos pertinent mores, eo quod in talium determinatione regatur immediate a Spiritu Sancto. Unde et Papa in talibus tenetur stare determinationi Ecclesiæ, seu statuto Concilii, tanquam ordinationi et sententiæ Spiritus Sancti. Cumque Papa possit errare in fide et moribus et ceteris, quæ sunt de necessitate salutis; ejus iudicio non videtur ultimate et certitudinaliter standum in istis, cum non sit infallibilis regula, neque indeviabile fundamentum. *Jac. Almainus* de auct. Eccl. et Concill. generall. c. 7 seq. (Opp. *Gersonii* II. p. 989 seq.).

⁶ The infallibility of general councils was presented to the Council of Constance only as a disputed opinion of the schools, and therefore was denied without offence by *Petrus de Alliaco*, see above, § 130, note 4. After that time the doctrine was carried out more completely, see (Blaau's) krit. Gesch. der kirchl. Unfehlbarkeit, Frankf. a. M. 1791. S. 240 ff., and maintained by John Gerson, Alphonso Tostatus, Dionysius Carthusianus, Nicolas Cusanus. Others again considered the church infallible, but not particular councils, thus *Joannes Breviscoxa* (Doctor Paris, from 1420 bishop of Paris, from 1422 bishop of Geneva) tract. de fide, Ecclesia, Romano Pontifice et Concilio. Art. 3 in *Gersoni* Opp. ed. du Pin I. p. 898; *Thomas Netterus Waldensis* (Carmelite in England, † 1430) doctrinale antiquitatum fidei cathol. adv. Wiclevitas et Hussitas. T. I. lib. II. c. 19, 27; *Nicolaus de Tudesco*, Archiep. Panormitanus (celebrated as a member of the Council of Basil, and as a writer on the canons under the name of Abbas or Panormitanus) comm. in Decretal. lib. I. Tit. 6, c. 4; *Antoninus* Archiep. Flo-

inferior to these as only the *caput ministeriale Ecclesiae*, and having no power to make laws,⁷ and that appeals could be made from him to such a council;⁸ finally, that the episcopal powers do not flow from that of the Pope, but that both rested on the same foundation.⁹ But

rentinus *Summa theol.* P. III. Tit. 23, c. 2, § 6, see Blau, l. c. S. 241 ff. By degrees, however, the doctrine of the infallibility of general councils as opposed to that of the infallibility of the Pope, became general amongst the more liberal theologians. See *Jac. Almainus de auct. Eccl. et Conc. gen. c. 10* (*Gersonii opp. II. p. 1001*): *Papa potest errare errore judiciali, de errore personali omnibus notum est.* Probatur ista propositio: duo summi Pontifices determinaverunt contraria, etiam in his, quæ fidem tangunt, ergo alter eorum erravit errore judiciali. Antecedens patet de Joanne XXII. et Nicolao, quorum unus determinavit judicialiter, Christum et Apostolos nihil habuisse in communi, nec in proprio; alter oppositus, ut videre est in eorum extravagantibus. Secundo Innocentius III. et Cælestinus determinaverunt contraria super ista propositione: uno conjugum ad hæresim transeunte, alter qui remanet in fide potest ad secunda vota transire. Determinatio Innocentii III., quod non potest, ponitur in cap. *Quanto, De divorciis.* Determinatio Cælestini, ut dicit *Glossa* in eodem Cap. olim ponebatur in *Decretalibus de conversione conjugatorum* in fine. Tertio, aliqui statuerunt contra Evangelium, ut Pelagius, qui fecit constitutionem, quod omnes Subdiaconi Sicilia a suis uxoribus abstinerent, quas in minoribus Ordinibus duxerant, aut ab officio cessarent: quam (quia erat iniqua et contra Evangelium) retractavit Gregorius I., ejus successor, ut patet 31 *Dist. Can.* *Ante triennium*, in textu et in glossa. — Ex his satis patet, quod summus Pontifex potest errare, sententiando in materia fidei. — Sequitur secundo, quod ultima resolutio in his quæ fidei sunt, non spectat ad summum Pontificem. — Concilium universale in his quæ fidei sunt errare non potest, et sic ad ipsum ultima fidei decisio spectat.

⁷ See note 5. *Gerson.* de modis uniendi ac reformati Ecclesiam in *Conc. univ. c. 2*, see § 130, note 1. *Responsio synodalnis Conc. Basil. ann. 1432* (see § 131, note 14), in *Mansi XXIX. p. 249*: *Etsi sit caput ministeriale Ecclesiae, non tamen est major tota Ecclesia.* The question how far the papal ordinances are binding, discussed in *Gerson.* de potest. eccl. consid. IV. (Opp. II. p. 232): *Ecclesia potest condere leges obligantes, et regulantes etiam ipsum Papam, tam quod personam, quam respectu usus potestatis.* Non sic e contra potest Papa judicare totam Ecclesiam, vel usum sue potestatis limitare: immo si Papa condat leges et canones, videtur observandum illud quod dicit Augustinus: *leges instituantur cum promulgantur, firmantur autem cum moribus utentium approbantur.* Hoc enim dicitur ad reprimendam præsumptionem quorundam summorum Pontificum vel eis adulantium, etc. *Nicolaus Cusanus de concord. cath. lib. II. c. 9*: *Ecclesiastici canones non possunt nisi per ecclesiasticam congregacionem, quæ Synodus vel cœtus dicitur, statui.* Et ideo nisi, quicunque ille fuerit, aut Papa, aut Patriarcha, decreta secundum canones ecclesiasticos promulgaverit, non possunt illa statuta, canones, sive ecclesiastica statuta vocari; et nihil habent firmitatis, cuiuscunq[ue] particularis statuta, nisi in quantum per acceptationem et usum seu consensum confirmantur, seu canonibus consentiant. *Almainus de auct. Eccl. et Conc. gen. c. 12* (*Gersonii opp. II. p. 1008*): *Summus Pontifex non solum deponi potest ab Ecclesia seu Concilio pro hæresi, verum etiam et pro alio criminis notorio Ecclesiam scandalizante.*

⁸ This was one of the points that was most loudly and most frequently discussed between the two parties. Martin V. had condemned such appeals at Constance, which had called forth Gerson's work, see § 130, note 23. Pius II. condemned them anew, see § 132, note 26, but likewise was opposed, namely, by Gregory of Heimburg, see *ibid.* note 29.

⁹ *Gerson* de potest. eccl. *Epilogi Conclus. 2* (Opp. II. p. 256): *Nec tamen plenitudo potestatis papalis sic intelligenda est immediate super omnes Christianos, quod pro libito possit immediate jurisdictionem in omnes per se vel alios extraordinarios passim exercere: sic enim præjudicaret Ordinariis, qui jus habent immediatus, immo immediatissimum super plches eis commissas, actus hierarchios exercendi.* Extenditur igitur plenitudo potestatis Papæ super omnes inferiores solum

although the arguments for this view were drawn chiefly from such of the older church rules as had been retained in the usual collections, and this circumstance might well have led to a more thorough historical investigation; the defenders of the new theory rested their cause almost entirely on dogmatical grounds. Some individuals, it is true, went further on the true path; the fraud of the Pseudo-Isidore, and of the investiture by Constantine, was acknowledged by many, and this last loudly proclaimed by Laurentius Valla :¹⁰ still these discoveries were confined to a few, and were made no use of by those few; and thus the most powerful weapon that could be wielded against the popes, that of history, lay as yet untouched.

Whilst this new system, which was carried furthest in France, was considered the foundation of all true freedom in the church, the old papal system found defenders enough, who, attached to the Pope either by favors received or hoped for,¹¹ and excited by opposition,

dum subest necessitas ex defectu Ordinariorum inferiorum, vel dum apparet evi-
dens utilitas Ecclesiæ. *Nicol. Cusanus de concord. cath. lib. II. c. 13:* Pro
investigando veritatem illius, an scilicet de jure positivo omnes Prælati inferiores
Papa derivative, scil. ab ipso Papa, jurisdictionem habeant; — oportet primo, si hoc
verum foret, Petrum aliquid a Christo singularitatis recepisse, et Papam in hoc
successorem esse. Sed scimus, quod Petrus nihil plus potestatis a Christo recepit
alii Apostolis. — Nihil enim dictum est ad Petrum, quod etiam aliis dictum non
sit. — Ideo recte dicimus, omnes Apostolos in potestate cum Petro æquales. —
Unde cum potestas ligandi et solvendi, in qua fundatur omnis ecclesiastica juris-
dictio, sit immediate a Christo; — et quia ab illa potestate ligandi et solvendi est
divinæ jurisdictionis potestas; patet, omnes Episcopos, et forte etiam Presbyteros
æqualis potestatis esse quoad jurisdictionem, licet non exequutionis. Quod quidem
exercitum exequutionis sub certis positivis terminis clauditur et restringitur
propter melius et causam cum majori parte perducendi omnes homines ad finem
suum, scil. Deum: ob quem finem finaliter omnis potestas, et jurisdictione, et statuta
humana per media proportionata tempori et loco tendere debent. Unde cessante
causa statuti illius, — puta vel ob negligentiam inferiorum, vel necessitatem, tunc
cessant illa positiva jura. — Quare dicimus, — quod omnes Episcopi unius sunt
potestatis et dignitatis: quæ supra sunt, scil. Archiepiscopal, Patriarchalis, et
Papalis sunt administrationes. — Quare hoc solum singularitatis in Petro invenie-
mus, quod ipse fuit major in administratione, ad quam volentibus Apostolis a
Christo est electus, quia senior. — Sicut principatus Petri a legatione Christi depen-
debat, ita et omnium Episcoporum: — quare qui eos audit, Christum audit. —
Apostolicum præceptum habent omnes Episcopi regendi se et gregem. — Si dicas,
Papam subditos Episcoporum absolvere et ligare, dico idem in aliis, quando con-
sensus propriorum intervenit. Actus enim, alter nullus, per consensum aut gratificationem proprii sacerdotis in hac materia validus efficitur. — Cum ergo usu
communi sit hoc introductum, et ex usu consensus elicetur, patet quod efficacia
hujus vigorem ex consensu recipit. — Igitur non legitur, antiquos Romanos Ponti-
fices se de his intromisisse, et talia confessionalia et alia consimilia concessisse, et
forte non fuisset permissum. Unde si Concilium Africanum, cui se subscripsit s.
Augustinus, non admisit appellationem a Synodo ad Papam (see vol. I. § 92, note
53), — quomodo tunc admisissent ista, et ea quæ hodie exorbitanter fiunt? Sed
quia consensus ex usu longævo hoc nunc introduxit, valida illa sunt quoad anima-
rum salutem, quam diu patiuntur: tolli autem possent per Concilium, et hoc refor-
matio depositit. — Et dum hanc partem defendimus, quod Papa non est universalis
Episcopus, sed super alios primus, et sacrorum Conciliorum non in Papa, sed in
consensu omnium vigorem fundamus: tunc quia veritatem defendimus, et unicuique
suum honorem reservamus, recte Papam honoramus.

¹⁰ See Div. I. § 20, note 15.

¹¹ Thomas de Corsellis says in an oration delivered at Basil (*Æneas Sylvius* de Conc. Basil. lib. I. ed. Cattopoli. 1667. p. 19): Sunt aliqui, sive avidi gloriae,

were ready to go any lengths in its support, without shrinking from any consequences of their arguments, however revolting.¹² They maintained that the papal power was above all powers on earth;¹³

sive quod adulando præmia exspectant, qui peregrinas quasdam et omnino novas prædicare doctrinas cœperunt, ipsunque sunum Pontificem ex jurisdictione sacri Concilii demere non verentur. Execucavit namque illos ambitio, a qua non solum hoc modernum, sed omnia usque in hanc diem schismata suborta reperiuntur. — Alius clamat, subditorum facta judicari a Papa, Romanum vero Pontificem solius Dei reservari arbitrio. Alius dicit, quia primam sedem nemo judicabit. — Alius vero asscrere non veretur, Romanum Pontificem, quamvis animas catervatim secum ad inferos trahat, nullius reprehensioni fore subjectum. Nec considerant miseri, quia quæ prædicant tantopere verba aut ipsorum summorum Pontificium sunt, suas fimbrias extendentium, aut illorum, qui eis adulabantur. *Jacobi de Paradiso* (a Carthusian and Doctor of Theology at Erfurth) collectum de septem statibus Ecclesiæ in Apocalypsi mystice descriptis (written 1449), in *Walchii monim. mediævi*, vol. II. fasc. 2, p. 43 seq., see below, note 31. *Joannes Major* (see note 2) comim. in Matth. c. 18, in *Gersonii Opp. II. p. 1144*: Quod vero plures Pontificem extollant quam Concilium, non miraberis. Concilium raro congregatur, nec dat dignitates ecclesiasticas, Papa dat eas: hinc homines ei blandiuntur, dicentes, quod solus potest omnia quadrare rotunda, et rotundare quadrata, tam in spiritualibus quam in temporalibus.

¹² The most conspicuous of these writers, in the fifteenth century, is *Joannes de Turrecremata*, a Dominican, Magister s. Palatii, who was sent as papal ambassador to the Council of Basil, was very active at the Council of Florence, from 1439 Cardinal, † 1463. In opposition to the Council of Basil he wrote his *Summa de Ecclesia et ejus auctoritate libb. IV.* (Lugd. 1496. Venet. 1561), of which lib. II. de potestate Papali, and lib. III. de Conciliis are given in *Rocaberti biblioth. max. pontificia*, T. XIII. p. 281, where also we find, p. 575, ejusd. de summi Pontificis et generalis Concilii potestate, ad Basileensium Oratorem in Florentina Synodo responso, viva voce exhibita. Of Cajetan, see above, note 3.

¹³ *Jo. de Turrecremata*, Lib. II. c. 52, gives the following view of the plenitude of the power of the Pope. Namely, primo ostenditur ex his, ex quibus excellētia papalis dignitatis sive principatus nobis figuraliter describitur. — Secundo ostenditur — in extensione principatus sui: extenditur enim in totum orbem terrarum, nullus enim fidelis in toto orbe christiano eximitur ab ejus principatu. — Tertio — ostenditur in potestate clavium in foro conscientiæ. Extenditur enim potestas clavium in eo ad omnia loca, ad omnes personas, ad omnes casus. — Quarto — ostenditur in clavibus judiciariæ potestatis in foro exteriori. Valet enim de omnibus personis orbis christiani, cujuscumque status aut conditionis existant, judicare: est enim judex totius Ecclesiæ. — Cum enim Romanus Pontifex caput totius Christianæ communitatris princeps existat; ejus non tantum est promovere ea et ordinare, quæ ad bonum reipublicæ, et consecrationem supernæ beatitudinis, quæ finis ultimus Christianorum est, conferunt, sed ea tollere et submovere prohibendo et corrigendo, quæ ad motionem ad talem finem fideles impediunt. — Quinto plenitudo potestatis Romani Pontificis ostenditur in depositione Episcoporum. — Sexto — in hoc, quod ejus potestas a nulla potestate humana exceditur, vel superatur; sed ipsa omnem aliam excedit et superat. — 7. in hoc, quod non arctatur ejus potestas ad hoc, ut semper servato ordine inferiorum potestatum operetur, sed potest mediantibus illis, vel illis intermissis, immediate in quemcumque Christianum operari, ut immediatus ordinarius Pastor et Prælatus, quando viderit expedire. — 8. in exemptione inferiorum Prælatorum a superiori. — 9. in hoc, quod non ligatur legibus a se factis, aut etiam sacrorum Conciliorum canonibus, sed potest ex plenitudine potestatis super ius et leges positas facere, et in canonibus Conciliorum juxta temporum opportunitatem aut locorum, et personarum conditions dispensare. — 10. in dispensatione actionum humanarum, puta votorum et juramentorum. — 11. in administratione et dispensatione rerum ecclesiasticarum. Alii autem Prælati et Collegia habent potestatem coartatam in administrando et dispensando res suas, et transferendo dominium ipsarum; obligando, et alienando, quia non nisi ex certis causis et cum certis solemnitatibus jure possunt res Ecclesiæ alienare. — Papa vero in istis solus sine consensu etiam cujuscumque, et sine solemnitatibus potest res quascumque

that the Pope was not only lord of all princes,¹⁴ but likewise the

cujuslibet Ecclesiæ alienare, et alienando dominium transferre, dum tamen hoc faciat ex justa causa. — 12. in hoc, — quod quædam sunt superiorum Ordinum, quæ potest Papa committere inferioribus quibusdam: sicut Presbyteris concedit conferre minores Ordines, quod pertinet ad potestatem Episcopalem: — 13. in dispensatione thesauri Ecclesiæ, quoniam ipse solus, utpote Christi principalis vicarius et dispensator, dat plenariam indulgentiam, et omni homini fideli de toto mundo. — 14. in hoc, quod dispositio totius ecclesiastici ordinis quoad dignitates ecclesiasticas, — et dispensatio beneficiorum, tanquam ad servum, quem constituit Dominus super familiam, ut det illis tritici mensuram, pertinent ad Romanum Pontificem. — 15. in canonizatione Sanctorum. *Rodericus Sancius Episc. Zamorensis et Referendarius, P. Pauli II., Speculum vitæ humanae* (Romæ 1468, many times published, e. g. Argent. 1507. fol.) lib. II. c. 1: Summi Pontificatus excellentiam, dignitatem et auctoritatem, — illiusque necessitatem et utilitatem ostendere, hodie munus suscepit, grande quidem negotium, sed parvum ingenium. Cujus tanta est sublimitas et eminentia, tanta immensitas, ut nullus mortalium nedium comprehendere, aut satis exprimere, sed nec cogitare posset. Obtundit enim omnem humanum intellectum illius sacratissimi et omnium eminentissimi status majestas et excellentia, quia scriptum est: *scrutator majestatis opprimitur a gloria*. Si — nihil in hoc sæculo excellentius — inveniri potest statu et dignitate simplicium sacerdotum, — quid cogitandum est de eo summo Pontifice, qui vices veri Dei gerit in terris? qui ad plenitudinem status, qui ad apostolicum thronum, qui ad culmen omnium dignitatum assumitur, ex qua certe, ut rivuli a fonte, rami ab arbore procedunt. Qui non ad humanum tantum principatum, sed ad divinum; non ad principandum solum mortalibus, nec modo hominibus, sed angelis; non ad judicandum vivos, sed mortuos; non in terra solum, sed in celo; non ad præsidendum solis fidelibus, sed infidelibus: et (ut paucis agam) qui ad eam ipsam dignitatem, ad eandem jurisdictionem et coactionem, ac universalem toto orbe supremum principatum a sunno Deo et ejus loco super cunctos mortales institutus et exercitus est. De quo per Job scriptum est, quod coram eo curvantur, qui portant orbem, et Reges seculi atque tyrauni ridiculum sunt, qui solus omnem potestatem ambit. Et, sicut Scriptura commemorat, unus est, et secundum non habet. — Cujus, teste propheta, suæ sunt justitiae, potestas et imperium. Quem iterum David signat inquiens: dedit ei potestatem et regnum, et omnes populi et lingue servient ei, etc.

¹⁴ On this point *Jo. de Turrecremata* is somewhat more moderate. He points out, II. c. 103, two extremes, the opinion quod Romanus Pontifex ratione sui principatus in solis spiritualibus consistat, ita quod nullo modo jure Papatus ad temporalia se extendat, and quod R. P. jure sui Principatus, sive Vicariatus Christi habeat in toto orbe terrarum plenam jurisdictionem, non solum in spiritualibus sed etiam in temporalibus, quod omnium Principum sacerularium jurisdictionalis potestas a Papa in eos derivata sit. He maintains on the contrary, quod spirituali potestati potestas sacerularis in Papa conjungitur, qui utriusque potestatis apicem tenet, but that he has jurisdictionem in temporalibus in toto orbe christiano only so far quantum necesse est pro bono spirituali conservando ipsius et aliorum, sive quantum Ecclesia necessitas exigit, aut debitum pastoralis officii in correctione peccatorum exposcit. Hence the Pope is not orbis Dominus or Rex aut Imperator orbis; so that it cannot be said, ut quemadmodum omnes dignitates ecclesiasticae a sede Apostolica pendere dicuntur ab ea jurisdictionem sumentes, — ita principatus et jurisdictiones Regum et Principum sacerularium dependent ab ea. Nor, quod de feidis Principum sacerularium, aut de possessionibus directe se intromittere aut judicare valeat regulariter; and quod a quoconque judice sacerulari passim et regulariter ad eum possit appellari. Further, Papa non habet potestatem, sive jurisdictionem in temporalibus, ut Reges in bonis temporalibus habent dominium, nec ita ut sit regulariter eorum dispensator: — non habet ita plenam jurisdictionem in temporalibus, sicut in spiritualibus, ita quod sicut deponere potest Prælatum ecclesiasticum, etiam sine culpa sua, ita possit deponere Principem sacerarem, sive laicum. On the other hand, cap. 114: potestatis spiritualis, et maxime Papæ, qui est universalis dux et rector populi Christiani, est dirigere et regulare, præcipere atque leges dare potestati sacerulari, quibus in administratione sui officii dirigatur in finem ultimum felicitatis æternæ. Et secundum hoc Romanus Pontifex se habet

source of all episcopal power;¹⁵ that he was above all councils,

ad Reges et Principes, tanquam architectonicus ad artifices: ille enim propter quid et regulas judicandi seit: isti autem, scil. artifices mechanici, tanquam experti in multis ipsum quia sciunt, propter quid autem ignorant: propter quod debet illis Papa leges dare, secundum quas debent jurisdictionem suam exerci, et populum regere in ordine ad beatitudinem supernaturalem. — Ex cura ergo pastorali, quam Romanus Pontifex habet super omnes fideles, cuiuscumque status, dignitatis vel conditionis existant, statim datur intelligi, quod apicem non tantum spiritualis potestatis, sed etiam temporalis aliquo modo habere dicendus sit. — Sine ulla dubitatione ad Prælatos Ecclesiæ, et maxime ad Prælatum Prælatorum pertinet jure sibi a Deo collato recognoscere et judicare de peccato quocumque. — Non solum Principes sæculares circa usum sua jurisdictionis delinquentes potest per censuram ecclesiasticam coercre, verum etiam eos notabiliter negligentes a dignitate depone. This moderation of Torquemada, by which no one usurpation of the Pope was really made impossible, is to be attributed to the course of affairs at the Council of Basil. At a later period the Pope's party spoke more plainly. Thus *Dominicus Venetus* (Episc. Torcellanus, afterwards Brixensis, about 1465) in *Marci Antonii de Dominis de republ. eccles. lib. VI. c. 10. § 3*: Papa est verus Dominus mundi, et verus Monarcha, et apud ipsum est utraque monarchia. Papa potest tollere Imperium, præsertim si videatur sibi, quod aliter mundus melius gubernaretur: et quod nullus esset Monarcha præter ipsum, et quod Reges immediate ipsum recognoscerent, et nullum alium superiorum. Papa temporalem jurisdictionem habet universaliter in omni loco, et potest eam exerci. Papa non solum potest deponere Imperatores et Reges, verum etiam Imperium et Regnum extinguere in laicis, etiam sine causa, et Principatus supprimere, et nova regna aut Principatus erigere. *Rodericus Sancius*, bishop of Zamorra (see note 11) in his work *de origine et differentia Principatuum* (in Le Bret's Magazin f. Staaten- u. Kichengesch. Th. 4. S. 520): Est vero naturaliter, moraliter et divino jure cum recta fide tenendum, Principatum Romani Pontificis esse verum, unicum, immediatum Principatum totius orbis, nedum quoad spiritualia, sed quoad temporalia; et principatum imperiale esse ab ipso dependentem et mediatum, ministeriale et instrumentale, eidem subministrante et deserviente, foreque ab eo ordinatum et institutum, et ad jussum Principatus papalis mobilem, revocabilem, corrigibilem et punibilem. Especially remarkable in this way the rebuke of an imperial ambassador in the papal consistory, A. D. 1473, see *Jac. Volaterrani diarium Romanum in Muratorii Scriptt. rer. Ital. XXIII. p. 94*: Thomas quidam, vir acris ingenii, quem Imperatoris Federici nomine assumi ad dignitatem Cardinalatus Dominicum Episcopum Brixensem contenderet, eamque ob causam postulato Senatu ac dato fervidius loqueretur, saepè inter agendum Monarcham orbis Imperatorem appellabat. Tum Cardinalis Rotomagensis, qui etiam cause Dominicini minus favebat, paulo commotio factus: male, inquit, agis, Thoma; non tuus Imperator, sed hic noster Pontifex Monarcha est orbis: pati non possum, Romanæ amplitudini detrahi. Tum ille: non omnium, inquit, Monarcham Imperatorem ajo; temporalium tantum intelligo. Et Rotomagensis; nec temporalium quoque illi est Monarchia: jure divino et pontificio tota Romani est Præsul. Idem qui ex Patribus jus didicere, uno judicio confirmarunt.

¹⁵ *Jo. de Turrecremata summa de Ecclesia* II. c. 32: solus Petrus inter Apostolos immediate a Christo factus et ordinatus fuit Episcopus: — alii vero Apostoli a Petro mediate, vel immediate, solo, vel cum alio, vel cum aliis sunt Episcopi facti vel ordinati. c. 54: dicimus cum s. Thoma, — quod tota jurisdictionis potestas aliorum Prælatorum de lege communis derivatur a Papa. — Apostoli alii — non suscepserunt potestatem jurisdictionis immediate a Christo, sed mediante Petro. Ergo sequitur, quod etiam nunc Prælati, qui sunt in Ecclesia, jurisdictionis potestatem suscipiant immediate a Papa, et non a Christo. c. 65: Romanus Pontifex immediatus Prælatus et judex est omnium Christianorum, potestque facere in toto orbe terrarum, quicquid inferiores Prælati agere possunt. — In quocumque ordine quando tota potestas inferiorum dependet et originatur a potestate superioris, ad quæcumque se potest extendere potestas inferiorum, ad omnia illa se potest extendere immediate potestas superioris: sed potestas jurisdictionis, de qua est sermo, omnium aliorum Prælatorum in Ecclesia a potestate Papæ derivatur; ergo sequitur,

which had their consequence only from him;¹⁶ and that himself infallible, he could prescribe what was to be believed by others.¹⁷ So

quod sumimus Pontifex potest in toto orbe omnia facere immediate, quæcumque possunt alii Prælati. *Thom. Cajetanus de auct. Papæ et Conc. c. 3 (Rocaberti XIX. p. 449)*: In Petro et a Petro inchoat omnis Ecclesiæ potestas, et derivatur in totam Ecclesiam via ordinaria.

¹⁶ *Jo. de Turrecremata II. c. 80*: Romanus Pontifex superior, ac major jurisdictionis auctoritate est tota ipsa residua universali Ecclesia. — Omnis pastor — superior est grege, cuius est pastor, sed Rom. Pont. est pastor Ecclesiæ universalis, ergo ipse est — superior universalis Ecclesia. *Lib. III. c. 28*: universaliter Conciliorum auctoritas a Rom. Pont. pendet et emanat. c. 32: ea, quæ in universalibus Concilii statuantur, sententiantur, aut definiuntur, aut interpretantur, auctoritate Romani Pontificis principaliter regulariter fiunt. c. 44: Rom. Pontifex superior est jurisdictionis auctoritate universalis Concilio. c. 47: appellare non licet a Romano Pontifice ad Concilium universale, sed magis e converso, puta a sententia Concilii, quam Apostolica sedes nondum approbavit, ad Papam licet appellare. c. 51: Rom. Pontifex nec ligatur, nec subjiciatur necessitate quorumcunque Conciliorum, — nec universalium statutis, legibus, aut canonicis, quæ sub juris positivi genere comprehenduntur. c. 55: Rom. Pontifex non solum auctoritatem in canonibus sanctorum Conciliorum, etiam universalium, et decretis suorum prædecessorum dispensandi habet, verum etiam tollendi, aut revocandi, aut mutandi, prout temporum aut causarum necessitas exposcit. c. 62: Quemadmodum ad Romanum Pontificem, ut ad Ecclesiæ Principem, pertinet, Concilia universalia, si bene processerint, approbatione et auctoritate sua confirming honorare; ita ipsis est, ea Concilia, quæ in perniciem fidei, aut totius Ecclesiæ perturbationem celebrata reperta fuerint, corrigere, reprobare, ac cassare, ea, quæ minus juste, minusque bene acta sunt, retractando et condemnando. *Thom. Cajetanus de auctor. Papæ et Concilii, c. 7 seq. (Rocaberti XIX. p. 455)* c. 20, p. 474, it is granted, quod Papa factus haereticus subest potestati ministeriali Ecclesiæ, et non auctoritatibꝫ super Papam: on the other hand decidedly denied, c. 24. p. 482 seq., quod Papa propter incorrigibilitatem in quocumque notorio crimen scandalizante Ecclesiam subjiciatur Concilii potestati, ita quod possit deponi: and the reason given c. 26. p. 487 is, because we read, *Matth. 18*, quod pes, manus, vel oculus, non tamen caput scandalizans amputaretur. *Apologiae, P. I. c. 1. (l. c. p. 494)*: Natura ecclesiastici regiminis ab ipsa sua nativitate est, non ut in communitate ad unum vel plures derivetur, quemadmodum accidit in regimine civili humano; sed ut in uno certo Principe suapte natura sit. Et cum Princeps iste unus atque idem Dominus Jesus heri, hodie, et in sæcula vivat et regnet; secundum naturalis juris consequentiam oportet, ut ad ipsum Principem, non ad communitatem Ecclesiæ spectet in sua absentia ordinare de Vicario, non communis Ecclesiæ, quæ utpote serva nata principandi jure caret, sed ipsis Principis, naturalis Domini communis Ecclesiæ. Et hoc ipsum Salvator noster per semetipsum exequi dignatus est, dum Petrum Apostolum solum instituit suum Vicarium post resurrectionem, antequam cœlos ascenderet, ut patet Joan. ult.

¹⁷ *Jo. de Turrecremata, II. c. 107*: Ad Romani Pontificis auctoritatem spectat, tanquam ad generalem totius orbis principalem magistrum et doctorem, determinare ea, quæ fidei sunt, et per consequens edere symbolum fidei, sacra Scriptura interpretari sensus, et doctorum singulorum dicta ad fidem spectantia approbare vel reprobare. c. 109: tanta soliditatem veritatis apostolicum thronum elementia Divinitatis firmaverat, quod judicium ejus in his, quæ fidei sunt, errare a veritate non possit. Decebat sane ut sedes illa, quæ superni dispositione Concilii magistra fidei, et cardo omnium instituebatur Ecclesiarum, in his, quæ fidei sunt, hominumque necessaria saluti, ab ipso omnium auctore Deo, — hoc singulari infallibilitatis munere donaretur. In ejus rei sacramentum primo illius sedis Pontifici — nomen firmitatis imponitur, scil. Petrus, quod Syra lingua rupes interpretatur. c. 112: Ubi — bene advertendum, quod non dicitur, quod Papa errare non possit, aut male sentire aut judicare in his, quæ fidei sunt; — sed dicitur, quod sententia, quam in judicio Rom. Pontifex profert in his, quæ fidei sunt, errare non possit, aut quod sedis Apostolicæ judicium, quod idem est, errare non possit. — Sedis autem Apostolicæ — sententia in judicio prolatâ a Rom. Pontifice intelligitur, non quæ occulte, malitiose, aut inconsulte per

far were they carried in their zeal, that some of them maintained that the donatio Constantini, levied by Laurentius Valla, was only a restitutio,¹⁸ and made the Pope a God on earth.¹⁹

solum Rom. Pontificem, aut etiam quæ per ipsum cum paucis sibi faventibus, aliis in fraudem contemptis sive non vocatis, ad partem profertur; sed quæ a Rom. Pontifice cum maturo et gravi virorum sapientum, et maxime dominorum Cardinalem primo Concilio digesta et maturata sancitur et profertur. Lib. III. c. 58. on the question utrum universale Concilium in his, quæ fidei sunt, errare possit? Ad quam quæstionem nobis videtur sub distinctione respondendum. De Concilio universalis loqui possumus duplicitate: uno modo de Concilio universalis plenario, plenarium autem Concilium dicimus, in quo cum Ecclesiæ patribus Romanus Pontifex eorum caput — concurrit. — Secundo modo loqui possumus de Concilio, prout dicitur corpus tantum patrum, distinctum a capite suo Romano Pontifice. Si primo modo loquamur de Concilio, fit ista conclusio: Concilium universale in his, quæ ad fidem pertinent, errare non potest, quæ tam patrum Ecclesiæ, quam Romani Pontificis unanimi consensu definita sunt. — Apostolicæ sedis judicium in his, quæ fidei sunt, errare non potest; ergo nec Concilium universale, in quo Apostolicæ sedis intervenit, sive concurrit auctoritas et consensus. — On the other hand, however, Concilium universale non interveniente consensu et approbatione Apostolicæ sedis errare potest in his, quæ fidei sunt. — Phantasia stulta corum, qui omni Concilio non errandi gratiam quasi essentialiter inesse affirman, eum tam ex Evangelio, quam ex actibus Apostolorum, et gestis antiquorum Conciliorum manifeste oppositum habeatur. *Dominicus Venetus* (see note 12) de Cardinalium legitima creatione (appended to *Marci Ant.* de Dominis de Republ. eccl. P. I.) Propos. VII: Universale Concilium legitime congregatum, et auctoritate Romani Pontificis confirmatum, in se et decretis suis universalem Ecclesiam representat: et id, quod facit aut determinat cum tali approbatione et consensu Maximi Pontificis, tenendum est ratum et firmum, ac si universalis Ecclesia determinaret, quæ non permittitur a Deo errare in fide, nec in determinando ea, quæ ad bene vivendum pertinent. — Hæc autem infallibilis regula non est Concilium, etiam legitime congregatum. — Nam multa Concilia errasse leguntur; — Ephesina secunda universalis fuit, et legitime congregata, utpote auctoritate Leonis Max. Pont. et pro justa causa, utpote pro damnatione hæresis: quæ tamen errasse legitur. — In ejusdem Leonis auctoritate; et hoc quia non requiritur solum auctoritas Rom. Pontificis in congregando, sed etiam in definita et sancita approbando. — Similiter etiam nec Papa solus est illa regula infallibilis, quia aliqui errasse leguntur in fide, ut patet de Liberio, et de Anastasio secundo, qui communicavit Acacio hæretico, ideo percussus est a Deo (plainly confounding him with the emperor Anastasius): ergo infallibilis regula erit Papa, adhilito debito consilio peritorum; a fortiori ergo si cum generali Concilio, quod pro arduis causis congregatur, quia difficilius errant plures, quam pauci. *Thom. Cajetanus* de auctor. Papæ et Conciliis, c. 9 (*Rocaberti XIX.* p. 460): Magis potest errare communitas Ecclesiæ sine auctoritate Papæ, quam Papa. Et ratio est, quia error Papæ in definitiva sententia fidei est error totius Ecclesiæ, — quia ad ipsum spectat determinare finaliter de fide quid tenendum, et quid repellendum. — Impossible est autem universalis Ecclesiam errare in fide, ergo impossibile est, Papam in iudicio definitivo auctoritative errare in fide. — Papa in hujusmodi iudicio est rectissimus propter assistantiam Spiritus Sancti.

¹⁸ *Antonini Summa historialis*, Pars I. Tit. 8. c. 2. § 8: Quæstio adhuc agitur inter Canonistas et Legistas, utrum illa tenuerit donatio. Quod Canonistæ omnino firmant, et Theologi magis confirmant eo quia non fuit simplex donatio, sed potius restitutio Ecclesiæ facta juris sui, cum omnia sint de Christi dominio, cuius Papa est vicarius in terris: cætera vero dimisit dominis temporalibus. *Jo. Major* (see note 2) comm. in *Matth.* c. 16. in *Gersonii Opp. ed. du Pin*, II. p. 1158: Quæritur, an Constantinus contulerit justum titulum Pontifici in terris, quæ nunc vocantur Ecclesiæ. Est hic modus dicendi: aliqui volunt, quod nunquam ei dedit terras in Italia, nec Romanam urbem; aliquibus placet, quod nec dare poterat Italiam, sive istas terras quæ dicuntur Ecclesiæ; alii tenentes, Pontificem habere dominium tam in spiritualibus, quam in temporalibus, dicunt, quod nihil dedit, sed solum detinent in iuste restituit. He maintains on the contrary: Ecclesia licite

Each of these systems condemned the other as heretical, but the fear of causing an incurable schism prevented their coming to extremes. The popes were also embarrassed by the circumstance that the lawfulness of their succession depended upon the acknowledgement of the Council of Constance, whilst in the decrees of that council was founded the system which they opposed. Hence they were glad as far as possible to pass over these decrees in silence;²⁰ when forced to say something, they had recourse to evasion; whilst many of their adherents did not hesitate to deny the validity of the council altogether.²¹

cepit, and Constantinus M. licite multa contulit Ecclesiis, therefore Rom. Pont. juste possidet. It is remarkable that the Cardinal *Bernardinus Carvajal Card. S. Crucis*, who was at the head of the Cardinals who forsook Julius II., and summoned the Council of Pisa in 1511, had previously written in support of this notion of a restitutio: *Jo. Bontzbachius* (Prior in the convent of Laach near Andernach) says of him, A. D. 1511, in his *Auctarium in librum Jo. Trithemii de scriptoribus ecclesiasticis* (Ms. in the library of the University of Bonn, fol. 143): *Scripsit quidem præclara opera, e quibus unum exstat, quod mihi dudum innotuit contra Laurentium Vallam et alios, qui vesana sua loquacitate audent latrare in summum Christi Vicarium et s. Romanam Ecclesiam, quasi non vera, sed falsa et conficta sit donatio Constantini Imperatoris. In quo quidem prægrandi volumine omnem istorum assertionem ita subnervavit, ut non tantum veram, sed quod magis est, legitimam et debitam restitutionem potius quam donationem fuisse probet. Ömnem itaque bestialem Laurentii invectionem elidens scripsit contra eundem: De restitutione Constantini, lib. I.*

¹⁹ *Gersonii* circa materiam excommunicationum resolutio, Consideratio XI. (Opp. II. p. 424): *Contemptus clavium — non incurrit, dum in præmissis casibus dicit aliquis — juxta conscientiam suam, quod hujusmodi sententiæ non sunt timenda, et hoc præsertim si observetur informatio seu cautela debita, ne sequatur scandalum pusillorum, qui æstinent Papam esse unum Deum, qui habet potestatem omnem in cœlo et in terra.* Compare the passage from *Rodericus Sancius*, above, note 11. *Christophorus Marcellus*, in an oration delivered before the Council of the Lateran in the 4th Session, Dec. 10, 1512, thus addresses Julius II. (*Labbe et Cossartii Concilia XIV.* p. 109): *Hinc merito conqueri potest Ecclesia. — His lamentationibus et querimonias ad tuos sanctissimos devoluta pedes in hunc modum opem humiliiter implorare videtur: — Tua sub ditione defensa sum. — Ad te igitur supplex tanquam ad verum principem, protectorem, Petrum et sponsum accedo. — Cura, pater beatissime, ut sponsæ tuæ forma decorque redeat et pulcritudo. — Tu enim pastor, tu medicus, tu gubernator, tu cultor, tu denique alter Deus in terris.*

²⁰ Paul Sarpi in a letter to Leschasser (in *Le Bret's Magazin für Staaten- u. Kirchengesch.* Th. 2. S. 324) speaking in the person of the Roman Court, says: *Concilium Constantiense neque probari, neque emendari inter arcana habemus.*

²¹ It is in this manner that *Jo. de Turrecremata Summa II. c. 99.* (*Rocaberti XIII.* p. 426) answers the proofs brought from the decrees of the Councils of Constance and Basil for the assertion, *Concilium generale potestatem a Christo habere immediate.* With regard to the decree at Constance, Sess. V. (see § 130, note 8), in which this is distinctly asserted, he remarks first: *Ecce manifeste, quod decretum illorum Patrum non loquitur universaliter de qualibet Synodo universaliter, sed de illa singulariter, pro cuius tempore non erat in Ecclesia unus pastor totius Ecclesiæ indubitate. But apart from that the decree in question was not binding (non habet necessitatem): for Decreta illa, si ita sunt appellanda, facta sunt solum a Pribus aliquibus obediencia Johannis XXIII. The Council of Constance was not a general Council, he argues, till all were united under one Pope. Besides prefatum decretum Constantiense non militat, quoniam per Apostolicam sedem non fuit approbatum, immo videtur per Dominum Martinum reprobatum, sive nullatum in condemnatione erroris Joannis Vlecleff et Joannis Hus, inter quos — unus articulus condemnatus est: quod Petrus non est nec fuit caput Ecclesiæ sanctæ catholicæ,*

The consequence of this dispute in the hierarchy itself was that the secular power once more gained an influence in the affairs of the church, so as to decide in each country which system should prevail.²² This depended, however, always on political considerations. Whilst in France the papal system, whenever it ventured to show itself, was immediately condemned by the parliament and the university of Paris,²³ in other countries the opposite system met with the same fate;²⁴ and whilst from France and Germany the most humiliating

In like manner he shows, cap. 100, that the decrees of the Council of Basil on the subject are not binding. As to their having been confirmed by Eugene IV. (see § 131, note 17) he answers that objection by maintaining, quod praefatae bullæ magis extorta fuerunt minis, quam de mente Domini Eugenii emanaverint. But apart from that, nihil eorum, quæ in praefatis bullis continentur, suffragatur adversariis, quoniam Dominus Eugenius numquam præbuit consensum decretis Concilii Basileensis. Compare his *Responsio de summi Pont. et gen. Concilii potestate*, I. c. p. 578. In like manner *Cajetanus* de auct. Papæ et Conc. c. 8 (*Rocaberti XIX*. p. 456) denies the validity of the decrees of the Council of Constance, and tries to show in particular that the confirmation of Martin V. (see § 130, note 24) did not extend to the decrees of the 4th and 5th Sessions. Compare *Apologiae*, P. II. c. 11 (l. c. p. 508).

²² See *Æneæ Sylvii Ep. 54*, § 131, note 42, above.

²³ It was chiefly the Mendicant monks, who, attached of course to the cause of the Pope by the connexion of their Orders with him, drew upon themselves such censures. Thus the Dominican *Johannes Sarrazin*, A. D. 1429, was obliged to retract the following assertions (*d'Argentré collectio judiciorum de novis erroribus I. II.* p. 227): Omnes potestates jurisdictionis Ecclesiæ — suu ab ipso Papa quantum ad institutionem et collationem. Hujusmodi potestates non sunt de jure divino, nec immediate institutæ a Deo. — Quandocumque in aliquo Concilio aliqua instituantur, tota auctoritas dans vigorem statutis in solo summo residet Pontificio. — Summus Pontifex canonican simoniā a jure positivo prohibitam non potest committere. The Augustine monk, *Nicolaus Quadrigarius*, 1442, the assertion (l. c. p. 240): sola Papæ potesta in tota Ecclesia immediate est a Christo. The Franciscan, *Joannes Angelii*, in Feb. 1483, the following assertions (l. c. p. 305): Papa posset totum jus canonicum destruere et novum construere. — Papa posset ab uno Ecclesiastico tollere medietatem redditum beneficiorum suorum et uni alteri dare, non exprimendo aliquam causam. Quicunque contradicit voluntati Papæ, paginat, et sententiam excommunicationis incurrit ipso facto: et a nullo Papa reprehendi potest, nisi in materia hæresis.

²⁴ Thus an assembly of Theologians and Canonists, which was summoned by the archbishop of Toledo, in Complutum, 1479, condemned, amongst other propositions advanced by *Petrus de Osma*, a French Doctor who taught in Salamanca, in a libellus confessionis the following (*Barth. Caranza Summa Conciliorum*, Duaci, 1659, Svo. p. 660): VII. quod Ecclesia urbis Romæ errare potest. VIII. quod Papa non potest dispensare in statutis universalis Ecclesiæ (so also *Gerson de modis uniendi ac reformandi Ecclesiam*, c. 9. See above, § 130, note 1. *Jac. Almaini expositio circa doctrinam M. Occami*, c. 12. in *Gersonii Opp. ed. du Pin*, II. p. 1055). In the bull confirming this sentence, by Sixtus IV. (see *Raynald*, 1479, no. 32, complete in *de Aguirre Concill. Hispania*, V. p. 355 seq.) the Prop. VII. is not found: we know, however, that it was considered heretical in Spain. The theological faculty in Vienna complained to Pope Innocent VIII. of one of their number, *Johannes Kaltenmarkter*, A. D. 1492, that he had taught: Concilium esse supra Papam; Papam non posse revocare per Concilium generale conclusum; Romanum Pontificem non posse dare licentiam Parochianis quibuscumque, ut alteri, quam proprio sacerdoti Curato libere confiteantur; Papam non posse dare generali potestatem audiendi confessiones: Kaltenmarkter was summoned to Rome, where he had to do penance, and then in Vienna recall the objectionable propositions: see the extracts from the *Acta printed A. D. 1493*, in (*Dietrich*) *Auctariorum catalogi testium veritatis*, p. 260. cf. *Mitterdorfferi* conspectus hist. Univ. Vien-

demands were made on the Pope, Spain and Portugal found it for their interest to receive from his hands their newly discovered territories,²⁵ and thus concede to him his most arrogant pretensions. In general, however, the Pope was powerful enough, as well through the influence he could still exercise over the minds of the people, as by his actual possessions in Italy, which country just at that time was the object of universal desire, to make his friendship important to all, so that even a king of France was led to sacrifice to that object the real good of the national church.²⁶ These political relations were now the main support of the papal power;²⁷ and it was the aim of the

nensis Sæc. II. Viennæ, 1724. Svo. p. 54 seq. *Hansizii* Germ. sacra, T. I. p. 597.

²⁵ See *Nicolas V.*'s letter to Alfonso, king of Portugal, A. D. 1452 (*Raynald*, ad. h. a. no. 11) : tibi Saracenos et Paganos, aliosque infideles et Christi inimicos quoscumque, et ubicunque constitutos, regna, ducatus, — aliaque dominia, terras, — et quæcumque alia — bona mobilia et immobilia — per eosdem — possessa — invadendi — et subjugandi, illorum personas in perpetuam servitutem redigendi, regna quoque, — aliaque dominia — et bona hujusmodi tibi et successoribus tuis, Regibus Portugalliae, perpetuo applicandi — plenam et liberam auctoritate apostolica tenore præsentium concedimus facultatem. Referring to this letter Nicolas invests the king, 1454, with the new discoveries on the west coast of Africa (*Raynald*, ad. h. a. no. 9) : de apostolica potestatis plenitudine literas facultatis præfatas — ad Ceptensem ei prædicta et quæcumque alia, etiam ante datum dictarum facultatem literarum acquisita, et ea quæ in posterum nomine — Alfonsi Regis suorumque successorum in ipsis — et ulterioribus — partibus de infidelium — manibus acquiri poterunt, — sub ejusdem facultatis literis contineri prælibatis, — ipsamique conquestam, quam a capitibus de Bonador et de Nam usque per totam Ghineam — extendi harum serie declaramus, etiam ad ipsos Alfonsum Regem, prædecessores suos ac infantem — spectasse — et in perpetuum spectare, — decernimus et declaramus : ac pro potioris juris et cautelæ suffragio jam acquisita et quæ in posterum acquiri contigerit provincias — prædictis Alfonso Regi ac successoribus — perpetuo donamus, concedimus, et appropriamus per præsentes. In the same form Alexander VI. dd. V. non. Maji, 1493 (see *Raynald*, h. a. no. 18) bestows the newly discovered regions in America on Ferdinand and Isabella, accompanying it with a letter to them, dated the same day, in which he adds a more particular description (l. c. no. 19) : de nostra mera liberalitate, et ex certa scientia ac de apostolicæ potestatis plenitudine omnes insulas et terras firmas inventas et inveniendas, — fabricando et construendo unam lineam a polo arctico — ad polum antarcticum, — quæ linea distet a qualibet insularum, quæ vulgariter nuncupantur de los Azores y cabo Verde, centum leucis versus occidentem et meridiem, ita quod omnes insulae et terræ firmæ repertæ et reperiendæ — a præfata linea versus occidentem et meridiem, quæ per alium Regem aut Principem Christianum non fuerint actualiter possessæ, — auctoritate omnipotentis Dei nobis in b. Petro concessa, ac vicariatus Jesu Christi, qua funginur in terris, cum omnibus illarum dominii, civitatibus, — juribusque et jurisdictionibus, ac pertinentiis universis vobis hæredibusque — vestris — in perpetuum tenore præsentium donamus, concedimus, assignamus. As early as 1494, however, Ferdinand agreed with the king of Portugal, that this line should be taken 360 leagues from the Azores, instead of 100.

²⁶ See § 134, notes 18 and 20.

²⁷ See especially the view taken by Franc. Guicciardini († 1540) of the origin of the Pope's temporal power in the fourth book of his Italian history, in the various editions of that work omitted, but printed in *Goldasti Monarchia* III. p. 17 seq., and in *Conringii* Opp. I. p. 113. At the close we find: His igitur fundamentis et modis ad terrenam potentiam elati, ac sensim animarum salutis, divinorumque præceptorum oblitii, atque ad mundana imperia omni cogitatione conversi, nec divina auctoritate alio quam quasi telo et instrumento rerum fragilium abutentes, Principes potius gentium, quam rerum sacrarum Pontifices videri cœpe-

pontiffs to secure for themselves the help of the temporal sovereigns against the inroads of the aristocracy of the church.

The devotion of the people at large to the Pope had now long depended merely on habit; still it would have been little disturbed by all the theories of the time, had not the corruption of the papal court, and especially its avarice and injustice, shocked their moral sense, whilst it proved so seriously detrimental to their interests.²⁸ The

runt. Horum curæ et negotia non jam vitæ sanctimonia, non religionis incrementa, non erga Deum et homines caritas, sed exercitus, sed bella in Christianos cogitatione et manibus sanguine respersis sacra tractantes: sed pecuniae immensa cupidio, novæ leges, novæ artes, novæ insidiae ad pecuniam undique cogendam. In hunc finem audacissime arma cœlestia vibrare, profanarum sacrarumque rerum nundinationem impudentissime exercere: hinc opes in immensum adauetæ, et in totam ipsorum aulam effusæ, ex quibus fastus, luxus, mores turpissimi libidines, voluptatesque nefandæ: nulla de successoribus cura, nulla majestatis perpetuæ Pontificatus sollicitudo; sed horum loco cupidio anxia et pestifera, filios, nepotes, item alios sibi conjunctos et necessarios non modo ad opes immoderatas, verum etiam ad regna et imperia evehendi: non Jain bonores et emolumenta in merentes et bonos conferendo, sed plerumque auctionando, aut in homines ambitione, avaritia, et pudendis voluptatibus perditos effundendo. His moribus effectum est, ut excussa penitus ex animis hominum illa vetere erga Pontifices reverentia, tamen ex parte eorum auctoritas religionis, qua nihil in terris ad homines vel impellendos vel retinendos potentius inventur, nomine et majestate, facultate qua pollut Principibus atque iis, qui apud illos maxime possunt, sacris beneficiis et honoribus conferendis gratificandi adjuta sustentetur. Qui cum sciant magna se in admiratione mortalibus esse, et qui aduersus eos arma sumunt, eos gravis infamia notam, et sæpen numero aliorum Principum odia subire, ac quomodocunque res cadat, per exiguum emolumentum ad eos, a quibus oppugnantur, redundare, et victores ex suo arbitrio victoria usuros, victos quibus velint conditionibus pacem habituros; ad hæc suos propinquos ex privata conditione ad Principatus attollenli cupidine inflammati, Jain per multos annos bellorum auctores, novorumque incendorum faces in Italia extiterunt.

²⁸ Amongst the numerous contemporary testimonies, see the account given by the ambassador of the Teutonic Order in Rome, above, § 130, note 30: *Martini Meyeri epist. ad Eneas Sylvii*, § 132, note 17: *Eneas Sylvii epist. 66, ad Jo. Peregrinum*, § 132, note 18. Further, Gravamina nationis Germanicae adv. Curiam Romanam Joanni Card. S. Angeli Nicolai V. P. R. Legato exhibita (about 1451) in *Walchii monumenti mediæ ævi fasc. I. p. 101 seq.*: — Dictus Dominus Cardinalis Legatus venit ad reformandum nationem Almanicam, tam sacerdtales, quam spirituales personas. — Si reformatio debeat esse regularis et ordinaria, oportet ante omnia, quod noster Papa et sua Romana Curia primo et principaliter reformatetur, propter multos excessus multaque exorbitantias, quæ per eum et suos Cardinales per illam execrabillem et maledictam simoniam quotidie committuntur in vendendo ecclesiastica beneficia. — In taxationibus etiam literarum apostolicarum expedientarum esset Dominus Papa reformandus. — Item Dominus Apostolicus omni die insatiabili desiderio cogitat cum suis, quomodo totam substantiam nationis Germanicæ sibi valeat acquirere. — Item Curia Romana in multis est reformanda. Nam Cardinales superbe, pompose, centum, sexaginta, vel septuaginta equis palatum ingrediuntur. — Quidam etiam de Cardinalibus habent tres Ecclesias metropolitanas et cathedrales in commendam, decem Abbatias, sex Præposituras et Archidiaconatus, et privatas quatuor Ecclesias parochiales. Non curant, quot monachi in monasterio sint; — totam substantiam monasterii tollunt. — Item in enia Romana sunt publici usurarii, bancarii et campores, cum quibus Papa et Cardinales habent pecuniam, cum danno vel lucro, Deus novit. Sunt etiam ibi publici forniciarii, concubinarii, ruffones, et lenones, et plures alii peccatores de familiaribus Cardinalium, et peccatrices publicæ plures. Et Papa tolerat istos, etc. — Modo emitit Cardinalem, qui ut residuum de substantiis nostris habeat, et pauperes Christi per positionem cistarum spoliat, indulgentias anni jubilæi sub pacto vendendo. — Et ille idem Legatus introductus sub modo et specie reformationis, volens sic

nearer their vicinity, the lower sunk their reverence for the Pope, and the papal ban was nowhere so little regarded as in Italy, although that country was one which remained true to the old system.²⁹

'The true friends of the popes recommended, therefore, that the burdens of the people should be diminished, and the abuses prevailing at their court be abolished; and through the whole 15th century we trace the feeling that unless a reformation should thus be begun by the head of the church, it would begin less peacefully elsewhere.'³⁰

reformare Clericos, pauperes, pistores, carnifex, culinarios: certe si Dominus Apostolicus et sua Curia se reformaret, vel per Concilium generale fieret reformatio generalis, facile membrum Ecclesiae unumquodque in suo statu reformaretur. See what is said by Felix Hemmerlin (provost at the great cathedral in Zurich), † 1464; concerning him see Müller's Schweizergesch. new edition 1826. Th. 4. S. 276 ff., in Müller, l. c. S. 257 ff. *Baptista Mantuanus* (a Carmelite in Mantua, † 1516) de horum temporum calamitatibus, lib. III.:

— — Petrique dominus polluta fluenti
Marcescit luxu: nulla hic arcana revelo,
Non ignota loquor, licet vulgata referre,
Sic urbes populique ferunt: — —
— — — ea fama per omnem
Jam vetus Europam mores extirpat honestos:
Sanctus ager scurris, venerabilis ara cinædis
Servit, honorandæ Divum Ganymedibus ædes. —
— — — venalia nobis
Templa, Sacerdotes, altaria, sacra, coronæ,
Ignes, thura, preces: cælum est venale Deusque.

Ejusd. Epigrammata ad Falconem. Colloquium inopum de Falcone:

Obtinet expulsa probitate pecunia Romanam,
Nec Deus in tota possidet urbe locum.
Quot sunt Romæ homines, tot eunt per compita fures,
Quosve canes speras, experiere lupos. —
Omnibus esse lupos licet in regione luporum,
Inter Pygmæos non puderit esse brevem.

Johannis Episc. Chemensis (bishop of Chiemsee in Krain) *Onus Ecclesiæ* (written 1519), cap. 19, de indispositione Romanae Curiae, § 6: In primis sedes bestiæ, i. e. Ecclesiæ perversæ, est in curia Romana, cuius regnum est tenebrosum. § 8: Heu sieut olim in Romano imperio, sic hodie in Romana Curia est vorago dvitiarum turpissima: crevit avaritia, periit lex a sacerdote ac visio de Propheta, t consilium a senioribus: claves Ecclesiæ sunt in aliusu et servitute simoniæ et ambitionis. Vitia enim ferme Curialium celari negarique vix possunt: Roma quasi gurges flagitorum. § 13: Ecce Roma nunc est vorago et Mammoni inferni, ubi Diabolus totius avaritiæ Capitanus residet, vendens patrimonium Christi, quod sua passione promeruit, qui nobis præcipit, ut gratis demus quod gratis acceperimus. Id modo versum est in proverbium: Curia Romana non petit ovem sine lana: dantes exaudit, non dantibus ostia claudit. *Ludovicus Tubero* (see § 133, 16) comm. de temporibus suis I. § 16: Solos falsarios hoc corruptissimo tempore sedes Apostolica ultimo supplicio afficit, in cæteris connivere solet: eo quod falsi crimen, quum Pontificum, quorum omnis in comparandis duntaxat pecuniis cura fixa est, deterat emolumenta, capitale putatur.

²⁹ See the account of the ambassador of the Teutonic Order to his Grand-master, A. D. 1429 (Raumer's hist. Taschenbuch f. 1833, S. 175).

³⁰ See *Petri de Alliaco* præf. ad canones reformati Ecclesiam, § 130, note 13. *Juliani Card.* epist. ad Eugen. IV. § 131, note 6. *Andreae Megarensis* gubernac. Conciliorum. § 131, note 19. Remedium contra gravam. nationis Germ. § 134, note 8. *Johannis Episc. Chemensis* onus Ecclesiæ (see note 28), cap. 19, § 14: Quamobrem vehementer præsumendum est, ac provide est timendum, pro-

At the same time the passing occurrences showed plainly enough, that such a reformation would never be voluntary, and that neither the aristocracy of the church, nor the divided temporal sovereigns were able to enforce it.³¹

pinquam nunc esse ruinam Ecclesiæ latinæ circa dignitatem ecclesiasticam, quoniam debile fundamentum ruinam causat. Unde columna Dei viventis jam pene videtur nutare, et sagena summi piscatoris, scil. Petri, procellis intumescentibus cogitur in naufragii profunda submergi: quod nemo percipit corde, neque ad predictas revelationes et avisationes fit cuiuspiam emendatio, sed singuli Pontifices, tam summi quam inferiores, carnalia sequentes, exhibent se magis mixti Antichristi precursores, quam veri Christi fideles servitores.

³¹ That the pretence of reform was only deceptive on the part of the Popes, is most plainly seen in the instructions contained in *Raynald*, 1436, no. 15, see above, § 131, note 30, at the end. *Petrus de Alliaco* de diffic. reform. c. 3, see § 129, note 12. *Gerson* de modis uniendi ac reformandi Ecclesiam, c. 12, see § 130, note 1. *Gobelinus Persona*, see § 130, note 25. *Julianus Card. Legatus* in Conc. Bas. see § 131, note 6. *Jo. Nyder*, see § 131, note 38. *Jacobi de Paradise* or *Jac. Junterburgii* (a Carthusian and Doctor of Theology in Erfurt, † 1465, concerning whom, see *Walchii* monum. mediæ aëvi fasc. 1, præf. p. LXV.) collectaneum de septem statibus Eccl. (written 1449) in *Goldasti Monarchia* II. p. 1567, in *Edu. Brown* Appendix ad fascie. rerum expetendarum et fugienda-rum, p. 102 seq., and in *Walchii* monumenta medii aëvi, vol. II. fasc. 2, p. 23 seq. Comp. *Walch.* p. 34: Verisimiliter opinabile mihi est, statum presentem continuandum, imo pejorandum, usque ad sextum statum, scil. Antichristi: cum experientia docente cognoscimus, hos contra nisi reformatio*n* generali Ecclesiæ, quos magis deceret conatu toto ad reformationem tendere, cupiditate et primatu honorum eos ad hoc impellente. Etsi quandoque coetus Deum timentium reformationi operam dare intendat; tamen in hoc mundo celebres et potentes viros, plus ecclesiasticos quam sacerulares, videmus se fortiter opponere, adhæsionem sibi attrahentes Principum et potentum sacerularium, quorum multitudine aut potentia scintillans inchoatam extinguit. p. 38: Reformationem generalem Ecclesiæ extreme necessariam factam nostris temporibus, mores corrupti totius orbis prouinciant: cum revera pene omnis caro corruperit viam suam. Sed quomodo eam fore possibilem in effectu fieri, nondum est positum ad proxim; licet aliquoties per Concilia genera-ria sit adtentatum. Et licet quædam decreta in hunc finem prodierint ab isdem Conciliis, tamen tanta resistentia altæ dignitatis personarum, tam spiritualium quam sacerularium, facta est, ut vidimus, quod totum negotium lugemus infectum: et cum tempus pariendi advenisset, vires non habuit parturiens. — Tanta denique crudelitate debacchati sunt, ut non tantum prolem sanctam, scil. reformationem, necare contendant: sed et matrem, scil. auctoritatem Conciliorum, et eorum convocationem occidant, prout res in prospectu declarat. Per quorū tamen Conciliorum auctoritatem major esset spes ad viam reformationis obtinendam. p. 42: Palpabiliter cernitur, ipsam summi Pontificis curiam maxima indigere reformatione, sicut omnia clamaverunt ultimo celebrata generalia Concilia. p. 43: Unde inihi vix credibile videtur, posse Ecclesiam generalem reformari, nisi curia Romana fuerit ante reformata. Quod tamen quam difficile sit, cursus temporum praesentium manifestat: cum nulla gens aut natio fidelium tantam resistantiam faciat reformationi universalis Ecclesiæ, sicut natio Italica, et alii eis applaudentes, spe promotionis, aut lueri, aut temporalis commodi, aut timore amissionis dignitatum ligati. Contremiscunt enim solo auditu congregations generalis Concilii, cum scient per experientiam, quod Concilia generalia palpare nesciunt, sed corrigeret et emendaret sine personarum acceptione: cum ibi congregentur de omnibus mundi partibus, qui vitii non parcent, nec amore nec timore seducti. — Præsidentes ex parte Papæ Conciliis, quia vident contra dominum suum et contra se negotium Conciliorum disponi, quid aliud agere existimandi sunt, quam ut tota auctoritate decretis Conciliorum obiectem ponant, aut per dissolutionem Conciliorum, aut per discordiarum seminationem: sive opus totum redditur infectum, ac per hoc itur in antiquan sylvam, scil. erroris et tenebrarum. — Et ex hoc ortum est vulnus nescio quando curabile contra auctoritatem Conciliorum generalium, ut abscedentibus Papa aut suis præsidentibus a loco Concilii, vel differentia exorta inter patres

cjusdem, censeatur Concilium dissolutum, resideatque in persona Papæ de plenitudine potestatis auctoritas dissolvendi aut transferendi generalia Concilia, prout Eugenius olim Papa de anno Domini 1437 fecisse comprobatur. Hocque venenum effusum est per eum in Ecclesiam, per adversarios Conciliorum indelebiliter observandum, — ad quod refugium habebunt in fulcimentum sui erroris, ut subterfugere valeant correctionem et reformationem: ita ut etiam modernis temporibus frontose aliqui altarum scientiarum viri dogmatizare audeant, in quolibet Papa residere plenitudinem potestatis, non solum super quolibet membro singulari Ecclesiæ, sed et super totam Ecclesiam conciliariter congregatam, ad libitum ipsius disponendi, decretandi, dissolvendi, transferendi, corrigendi, et auctorizandi: ut nullus ei audeat dicere: eur ita facis? Et sic totaliter nituntur suffocare auctoritatem Conciliorum. p. 48: Et nisi in futuro Concilio celeri remedio provideatur huic veneno recenter introducto, de auctoritate Conciliorum supra Papam, cuius contrarium dogmatizant aliqui, et maxime de curia Papæ et ejusdem assentatores: clarum est quanta inconvenientia inde sequantur. Primo quia datur Papæ audacia impune peccandi et disponendi omnia negotia Ecclesiæ ad libitum suum. Secundo quia datur subjectis in toto orbe occasio villipendendi, imo contemnendi omnes constitutiones, ordinaciones et mandata Papæ. — Tertio sequitur, quod si in antea fieret convocatio Concilii generalis, totius Germaniae Principes et Prælati, Doctores ac Magistri se subducerent a Concilio. — Exinde ludibrio ducerentur Concilia: maxime quia videmus, quod omnia, quæ tantis laboribus impendiis in retroactis Conciliis elaborata sunt, penitus irritantur, et tanquam pulveres ventis obnoxii conculeantur. Fontale vero principium omnium illorum malorum secundum Apostolum est cupiditas, quæ sibi vendicat locum pene in omnibus Clericis: quoniam secundum Jeremiam a maximo usque ad minimum omnes avaritiae student. Ad quam satiadum non reperiunt ecclesiastici viri commodiorem opportunetatem, quam in adipiscendis dignitatibus et beneficiis ecclesiasticis. Et hæc sentiunt conferri per Papam, qui sibi per hæc attrahere consuevit pene totam ecclesiastico-rum virorum cohortem. Ideo adhærentiam copiosam sibi parit per horum provisio-nem. p. 58: Quid ergo, putamusne, Ecclesiam posse recipere reformationem generalem, et quidein ad hunc statum devenire, ut omnia vitia tollantur ab Ecclesia? Ego iudicio impossibile humano modo. — Sed est alia reformatio, de qua quæritur, ut scilicet ea quæ sint decolorativa statuum et personarum tam sacerdotalium quam spiritualium ad rectam formam perducantur, ut reformatio pacis inter regna et principes, extirratio hæresium et schismatum, simoniaeæ pravitatis a Curia Romana et ab omnibus Ecclesie Prælatis, et concubiniorum repressionis, etc. — Et quis omnia enarrare ac enumerare sufficiat, quibus Ecclesia modernis temporibus cernitur deformata? Putamusne hæc omnia aliquando posse reformari? Persuaderi mihi videor, quod nec ætas nostra nec futura hæc patietur; quum non habeam rationes probantes, quomodo illud fieri possit. Primo propter inveteratam et inolitam consuetudinem, quæ difficile curatur: secundo propter potentium tam in scripturis quam in altis dignitatibus resistantiam: tertio propter avaritiae morbum, qui ubique invaluit, maximeque in altis sedibus, quæ nullo modo patientur sibi auferri honoris, fastus, divitiarum et voluptatis amplitudinem. Et qui amplius insistere deberent reformationibus, his pompis amplius delectantur, fingentes ipsis colores sub specie defensionis ecclesiasticae, ut ideo eos oporteat abundare, ne status eorum vilescat, et ut habeant armatam militiam, qua compescere valeant violentos et bonorum ecclesiasticorum detentores. Et ideo oportet, ut dicunt, eos fulcitos esse pluralitatibus beneficiorum atque dignitatum. p. 62: Aestimo igitur mundum dietim decrescere in pravis moribus — usque ad profundum delictorum, quoque veniat filius perditionis, etc. In like manner, A. D. 1519, *Joannes Episc. Chemensis* onus Ecclesiæ (see note 28), cap. 19, § 16: Reformatio vero non fiet, nisi in aliquo generali et libero candidoque Concilio, ubi Spiritui Sancto, non maligno, locus ad spirandum detur. Heu cum formidine conjicio, nostrum sæculum non esse dignum congregatione legitimini Concilii, in quo vitiis reprehensis et virtutibus promotis Ecclesia reformatur: adeo errorum illudimur operationibus. Concilia profecto debita raro et segniter celebrantur, vel Roma seu alibi coram potentibus tractantur, ubi humilibus et fidelibus non libera est expressio, ut in cis lente corriganter ea quæ divinum cultum, et Christianam religionem, reformatio-nemque concernant.

CHAPTER SECOND.

HISTORY OF THE HIERARCHY IN THE NATIONAL CHURCHES.

§ 136.

RELATION TO THE STATE.

The secular power, the relative importance of which was constantly becoming greater, began now generally to imitate the example of France in setting bounds to the encroachments of the clergy. Not only was it strictly forbidden that the secular affairs of the laity should be brought before the ecclesiastical courts,¹ but it was not unusual for the secular affairs of the clergy to be brought before the secular tribunals,² as likewise criminal cases where the clergy were concerned,³ and the appeal to ecclesiastical authorities out of the realm prohibited.⁴ Even more general was it to insist on the right

¹ See the remarkable decree of William, duke of Saxony, A. D. 1446, in which the bringing such cases before the ecclesiastical tribunals was punished with exile. *Schilter de libertate Ecclesiarum Germaniae*, p. 808 seq., and Rudolph's *Gotha diplomatica*, Th. 1. S. 138 seq. Still we find complaints of the same practice as late as 1497 (see Müller's *Reichstagstheatrum unter Maxim.* I. Th. 2).

² Following the example of France (see § 105, note 13). Instances in the *Preuves des libertez de l'église Gall.* chap. VIII. no. 1 seq.). Such was the practice too in Hesse, see Kopp, i. e. Th. 1. S. 198 seq. Hence the clergy of the Rhine countries at their assembly in Coblenz, A. D. 1479 (see *Georgii nationis germanicae gravamina*, p. 257), § 20: Item Laici interdum cognoscunt de causis et super bonis Clericorum, et bona corum arrestant et occupant, et sibi ipsis appropriant. § 21: Item juramenta Laici exigunt a subditis, ne unus Laicorum alium impetrat coram judice ecclesiastico, sed ipsimet cognoscunt de causis ecclesiasticis

³ See Martin V.'s letter to the archbishops of Portugal (*Raynald*, 1427, no. 19), in which he suggests to them to present a complaint to the court at Rome, in the name of the Portuguese church, concerning the encroachments on the freedom of the church by the king, quasi sibi licet uti potestate regia in Prælatos et Clericos tanquam in Laicos suaæ ditioni subjectos. Further: quodque est non minus absurdum, intelleximus, ipsum Regem in causis criminalibus trahi facere Clericos etiam in sacerdotio constitutos de foro ecclesiastico ad judices sæculares, et per eos condemnari atque puniri. The parliament at Paris not unfrequently condemned bishops to imprisonment, see *Preuves des libertez de l'église Gall.* chap. VII. no. 34 seq. Other states, especially the free states, exercised jurisdiction over the clergy in criminal cases, e. g. Heilbronn, see Jäger's *Mittheilungen zur schwäbischen und fränkischen Reformationsgeschichte*. Bd. 1 (Stuttgart. 1828), S. 7 f.

⁴ In France every appeal to a foreign tribunal was strictly forbidden from the time of the Privilegium granted by Urban V. A. D. 1367 (*Preuves des libertez de l'église Gall.* chap. IX.). Attention was more generally called to the subject by the decree of the Council of Basil, Sess. XXXI. A. D. 1438, see § 131, note 35. An account of the prohibition of such appeals in the various countries, given in Petri Stockman's *defensio Belgarum contra evocationes et peregrina judicia* (in his Opp. omn. Colon. 1700. 4to.), cap. 4, of the decrees passed to the effect in Belgium, see cap. 2. In Germany, the most remarkable instance is that of Saxony, see note 1, above. The appeals to Rome did not indeed cease, but they were

of examining the edicts of the ecclesiastical authorities before they were allowed to appear;⁵ whilst the extraordinary increase of the possessions of the church led many of the sovereigns either to forbid it altogether, or else to make their permission an indispensable condition.⁵

counted amongst the gravaminibus, see *M. Meyeri epist. ad Æn. Sylv.* § 132, note 17, above, and the *Gravamina Germ. nationis*, ann. 1510, no. X., see above, § 134, note 8.

⁵ This was the so-called *jus Placeti regii*, in France entitled *Regium Pareatis*, in Naples, *Regium Exequatur*, according to the different forms of the edict. How this right was exercised in France, see *Preuves des libertez de l'égl. gall. chap. X.* Louis XI. appointed a commissioner in Amiens, A. D. 1495, to stop all comers from Rome, and examine whether they had any letters with them from the Pope, et iecelles voir et visiter, pour scavoir s'elles sont aucunement contraires ou prejudiciables à nous, et à la dite église gallicane. Et au cas qu'en trouverez aucunes qui y fussent contraires ou prejudiciables, prenez les et retenez par devers vous, et les porteurs arrestez et constituez prisonniers, si vous voyez que la matiere y soit sujette : et du contenu esdites lettres nous adverteissez, ou les nous envoyez à toute diligence, pour y donner la provision nécessaire. Martin V. complains of Portugal in the letter cited above, note 3, A. D. 1427: *Dicitur etiam nobis, quod statuto regio mandatum est, ne quis audeat sine ipsius Regis licentia sub pena mortis et perditionis bonorum in dictis regnis literas apostolicas publicare.* When John II. of Portugal, at the instance of Innocent VIII., resigned the right of the *Placetum regium* 1486, the nobles of the kingdom resisted, maintaining that without their consent such resignation was not valid, see *Augustini Manuelis hist. Joan. II.* Philip the Good, duke of Burgundy, decreed January 3, 1447: *Dat niemandt en benghe, oft en exequere eenighe geestelycke monitien, inhibitiën oft andere gheboden, op eenighe ondersaeten des Landts van Brabant, uyt wat saecke dat het zy, hy eerst kome by onse Officiere ende Wethouderen, ende geve hem klaerlyck te kennen de saecke waerom, ende verkryghe oorlof ende consent.* — Den gene die dat dede, sal daer an verbeurt hebben alle sine goederen, ende te dien aen syn lyf eenen wegh te S. Peter ende S. Pauls te Roomen te doen. This and various later edicts, issued in the Netherlands, as also notices of similar laws in other countries, for instance, a decree of Ferdinand the Catholic to the Vice-regent of Naples, A. D. 1508, see in *P. Stockman's jus Belgarium circa bullarum pontificiarum receptionem* (in his Opp. omn.), cap. 2.

⁶ The dukes Arnold and Adolphus of Gelderland, prohibit, A. D. 1441 and 1469, the endowment of ecclesiastics or convents with estates, tithes, rents, &c., see the *Nederlanschen Sulpitius van Jacobus Basilius*, S. 236. Philip the Good, duke of Burgundy, decree 1446, that no order should purchase, or in any way acquire estates without a previous investigation by commissioners appointed for the purpose (*Brandt Historie der Reformatie. Th. I. S. 38. Groot Hollandsch Plakaatboek. Th. I. S. 1471*): in like manner for Brabant, 1461 (*Brabandsch Plakaatboek. Th. I. S. 238*). William III., Landgrave of Hesse, orders it to be publicly proclaimed, das niemants, wer der sy, keyne werntliche Gutere, es sy an Zinsen, Renthen oder Gefellen, geistlichen Personen noch Cloistern nicht mehr verkeuffe, and prohibits that these should in any way come into the possession of the clergy; whoever should disregard this prohibition, dem wollet nach libe und gute, als demjhinen der uns mid libe und gute versfallen ist, griffen, und die gutere, die den geistlichen hieruber zugeeignet werden von unserwegen innemen, und in die ane unsern Beschiet nit widder folgen lassen (the document see *Beurkundete Nachricht von dem Closterhaus Schiffenberg 2ter Theil. Giessen. 1755. fol. Beilagen*, no. 166). Albert the Peaceful, duke of Meklenburg, forbade the clergy of Güstrow, 1514, to acquire estates, see *Analecta Gustroviensia*, p. 86. Similar prohibitions of the Saxon princes, addressed to particular ecclesiastical corporations, see in *J. G. Reinhardi meditationes de jure Principum Germaniæ, cum primis Saxonie circa sacra ante tempora reformationis exercito. Halæ. 1717. 4to.* p. 230 seq.

§ 137.

INTERNAL RELATIONS OF THE DIOCESES.

It was the purpose of the Councils of Constance and Basil to restore the original power of the bishops;¹ their decrees, however, were not fully regarded except in France, and there only as long as the Pragmatic Sanction continued to be observed. On the other hand, they clung in France to the theory, which had first been advanced in the controversies with the Mendicant orders, that the inferior clergy received their authority, not from the bishops, but, like the bishops, from Christ himself.² Out of France, however, this

¹ Thus Ludovicus Card. Arelatensis says at the Council of Basil, at which he presided, in *Æneæ Sylvii de Conc. Basileensi*, lib. I. (ed. Cattopoli. 1667. 4to. p. 40) : Nec forsitan absonum fuerit dicere, nullam unquam fuisse Synodum, que magis quam ista potestatem Episcoporum ampliaverit: etenim quid hodie erant Episcopi, nisi umbras quædam? (comp. *Gerson's simulaera depieta*, above, § 106, note 3.) Quid plus illis restabat, quam baculus et mitra? Numquid pastores sine ovibus dici poterant, cum nihil in subditos statuere possent? Nempe cum esset in Ecclesia primitiva Episcoporum summa potestas, hodie ad id venerunt, ut solo habitu et redditibus superarent Presbyteros. At nos eos in statu reponimus pristino: nos beneficiorum collationem ad eos reduximus, nos eis confirmationem electionum restituimus, nos causas subditorum eisdem reddidimus audiendas, nos eos, qui jam non erant Episcopi, fecimus Episcopos.

² See above, § 62, note 23; § 109, note 3. *Gerson de potest. eccl. consid. 12* (Opp. II. p. 250), gives the following determinatio sacrae facultatis theologiae Parisiensis nuper edita contra temeritatein extollentium privilegiatos super Curatos in prædicationibus et confessionibus, from which both the occasion and the character of this view may be seen. Art. I.: Domini Curati sunt in Ecclesia minores Prælati et Hierarchæ ex primaria institutione Christi, quibus competit ex statu jus prædicandi, jus confessiones audiendi, jus sacramenta ecclesiastica secundum exigentiam sui status et parochianorum ministrandi, jus sepulturas dandi, jus insuper decimas et alia jura parochialia recipiendi. Art. II.: Jus prædicandi et confessandi competit Prælati et Curatis principaliter et essentialiter, et Mendicantibus de per accidens ex privilegio; quoniam sunt introducti vel admissi ex concessione et beneplacito Dominorum Prælatorum. Comp. *Gerson de statibus ecclesiasticis*, namely, de statu Curatorum 16 considerationes (Opp. II. p. 534): e. g. Consid. I.: Status Curatorum succedit statui LXXII. discipulorum Christi quod legem novam, et figuratus est in antiqua lege per Levitas. Ac proinde status Curatorum est de institutione Christi et Apostolorum suorum. Cons. II.: Status Curatorum est de essentiali ac intrinseca Ecclesiæ hierarchia, sicut status Prælatorum, quamvis inferior sit, et pro sua perfectione variabilior. Qua ratione Curati simplices non æque proprie dicuntur sponsi, sicut Episcopi, liberiusque permituntur cedere, vel renuntiare curis suis. Cons. VII.: Status Curatorum Ecclesiæ parochiales sibi deputatas habet in tali libertate, quod nulli alteri sacerdoti fas est, ipsis invitatis, aut sine eorum licentia prædicare in eadem, præsertim dum prædicare voluerint ipsi, sed nec confessiones illic audire, nec sacramenta ministrare: salva semper auctoritate, vel rationabili ordinatione superiorum Prælatorum. Namely, *De potest. eccl. Epilogus Concl. 2* (Opp. II. p. 256): Extenditur plenitudo potestatis Papæ super omnes inferiores solum dum subest necessitas ex defectu Ordinariorum inferiorum, vel dum appareat evidens utilitas Ecclesiæ: quemadmodum dici potest de Episcopis respectu Plebanorum, seu propriorum sacerdotum, quorum possunt supplere defectus. Therefore, *Sermo contra bullam Mendicantium* (l. c. p. 437): Ad curatos spectat ex statu eorum, jure, aut facultate concessionari. — Sequitur, Papam aut alium quemvis jus hoc Curatis auferre, aut impetrare non debere. Et ideo nullus in Ecclesia eorum concessionari debet absque

theory was not even common to all the liberal canonists,³ and by the papal party was most decidedly rejected.⁴ On the whole, the inferior clergy were not seldom much oppressed by their superiors.⁵

§ 138.

MORAL CONDITION OF THE CLERGY.

The reformation of the clergy was the main point in the reform

eorum facultate. — Ad Curatos pertinet jus audiendi confessiones. — Sequitur Papam — non debere auferre istam potestatem aut jus ipsis Curatis absque eorum placito, et voluntate, saltem expediens non est. Sequitur, nullum Privilegium confessionem audire debere in loco parochialis Ecclesiae absque consensu et facultate Curati. Almainus even maintains that the inferior clergy should have a vote at the Councils. Expositio circa decisiones *M. Occam* super potestate summi Pontif. Qu. I. c. 18, sect. 1 (*Gersoni* opp. II. p. 1067): Secundo, dicitur Concilium debere congregari ex omni statu hierarchico: nam sunt duo status hierarchici in Ecclesia, scilicet status Prælatorum superiorum et inferiorum: unde in tali Concilio debent interesse singuli Episcopi, similiter ex parte Cleri et Curatorum de singulis Episcopatibus aliquis debet interesse, et tales habent voces et auctoritatem deliberandi in Concilio. All opposition to this theory was at once condemned by the Sorbonne, and those who expressed it forced to retract. Thus the Dominican, *Jo. Sarrazin* (see § 135, note 23), 1429, had to retract the proposition (*d'Argentré* I, II. p. 227): Dicere, inferiorum Prælatorum potestatem jurisdictionis, sive sint Episcopi sive Curati, esse immediate a Deo, sicut potestatem Papæ, veritati quodammodo repugnat, and acknowledge: evangelicæ et apostolicæ consonant veritati. The Franciscan *Joannes Bartholomei*, A. D. 1451, was refused the degree of licentiate because he had preached (*d'Argentré* I, II. p. 251), quod Parochiani possunt libere se Mendicantibus per Ordinarios admissis confiteri absque Curatorum licentia. Amongst the fourteen propositions of the Franciscan *Joannes Angeli* (see § 135, note 23), which were condemned 1482, one was (*d'Argentré* I, II. p. 305): 1. Fratres minores præsentati Episcopo et admissi sunt proprii Sacerdotes et veri Curati, et melius quam Presbyteri parochiales, quia facultatem suam habent a summo Pontifice, et dicti Presbyteri ab ipso Episcopo dumtaxat, and others similar.

³ e. g. *Alphonso Tostatus* (see § 135, note 5), Quæst. 87, in Matth. 16: Episcopus sub se nullos habet habentes ordinariam jurisdictionem, sed Curati omnes sunt Commissarii: et sic tota jurisdictione est Episcopi immediate. Et si nollet ponere Curatos, sed ipse administraret, liceat faceret, si sufficeret ad hoc.

⁴ See § 135, note 15. Comp. especially *Joannes de Turrecremata* (see § 135, note 12) essay against *Joannes de Poliaco* (see above, § 109, note 3) in his *Summa de Ecclesia* II. c. 59 seq. He says, c. 63, in the words of *Petrus de Palude*, quia Christus per se non fecit nisi unum Curatum, scilicet Petrum: — sed quia impossibile erat, quod per se solum (*Petrus*) perfecte totius gregis curam ageret, ideo per consequens (*Christus*) commisit illi facere alios Curatos, quotquot ipse pro adjutorio suo et populi salute opus esse cognosceret. Nec Christus per se instituit, nisi unam solam curam; — sed Petrus postmodum per se et per alios divisit provincias, et diœceses, et parochias. The two last propositions, which Joh. Kaltenmarkter was forced to retract in Vienna, 1492 (see § 135, note 24), differ only in form from the theory of the French church (see *Gersonii* sermo contra bull. Mendicant. note 2, above).

⁵ *Epistola de miseria Curatorum.* Aug. Vind. 1489, extracted in the *Auctarium catal. test. verit.* p. 283. In this novenæ diaboli are enumerated, by whom the curate is tormented. Sextus diabolus est Officialis, qui sine causa infamat Plebanum, recipit pecuniam, et admittit ignominiam; amat denarium, et tolerat forniciarium; tollit munera, et destruit jura. Septimus diabolus est Episcopus, qui jam contributum, jam postulat subsidium, etc.

which was so loudly called for throughout this whole period. But here, too, all measures failed, and the complaints of their rudeness and ignorance, as well as their immoral and unclerical lives, continue to the end.¹ Their chief offence, their incontinence, seemed to grow worse, the more there was done to restrain it.² The severe lectures read them on the subject at the Councils of Constance and Basil had as little influence upon the conduct of most of the clergy there assembled,³ as the decrees passed at those councils had on the state of the church

¹ See *Jo. Trithemii Abb. Spanheimensis institutio vitae sacerdotalis* (written about 1485, in ejusd. Opp. pia et spiritualia, ed. *Jo. Bussaus*. Mogunt. 1605. fol. p. 765 seq.), c. I: *Indocti, rudes, jam sine discretione mieriti ad sacerdotium veniunt, qui moribus suis pessimiis Christi oves infeliciter occidunt. Nulla jam in ordinandis Clericis vita sanctitas requiritur, literarum eruditio nulla postulatur, conscientia puritas non attenditur. Sufficit apud eos, si currentem sortem possint construere, si cuius partis orationis sit Dominus, respondere, si ita, et non, intelligere. Væ nostræ tempestatis Episcopis, qui sæcularibus negotiis intenti ordinationes clericorum non considerant, sed curam examinandi imperiis locant!* Quam distractam sunt subituri sententiam, qui se totius in Ecclesia mali exhibent causam! Cap. 4: *Studium scripturarum sacerdotes nostri abjiciunt, eruditionem negligunt, pro libris scripturarum aves et canes enfruntur. — Nihil aliud quam mundanum sapiunt, nihil quam vanum diligunt, nihil nisi carnale intelligunt. — Sedent in insidiis cum potatoribus in tabernis, ludis et comedientibus vacant, non est timor Dei ante oculos eorum. — Nihil penitus de scripturis intelligent, discere contemnunt. Romana lingua scribere vel loqui nesciunt, vix in vulgari exponere Evangelia didicerunt. Quantos errores, fabulas et hereses in Ecclesia prædicando populis enuncient, quis nisi expertus credere posset! Pro libris sibi liberos comparant, pro studio concubinas amant. Isti sunt cæci duces cæcorum, qui populum Dei ad justitiam non erudiant, sed potius seducunt. — Non possum non dolere, videns omnime malum in Ecclesia ex ignorantia sacerdotum procedere. Quis enim non dolet, illos mandata nescire, qui constituti sunt alios instruere? — Sacerdotes nostri mundanis cupiditatibus effluunt, corrigeret vitiosos non præsumunt, quia se delinquissæ in majoribus agnoscunt. — Nec mirum, si minores vacent a studio scripturarum, cum inter Praepatos paucos invenias, qui veterum exemplis inhærent. Eligunt enim ut plurimum non doctiores, sed ad congregandas divitias perituras avidiores. Codices scripturarum aut nullos habent, aut paucos, quippe qui odio scientiam persequuntur. Et quia, sicut Dominus per prophetam (Malach. 2) loquitur, sacerdotes notitiam legis abjecerunt, propterea contemptibiles in populo facti sunt. Clamat quidem in tribulatione ad Dominum, sed non exaudit eos: quoniam qui avertit aures suas ne audiat legem, oratio ejus erit execrabilis. Non ergo mirentur sacerdotes, quod eos contemnunt Laici, quoniam ipsis spurnunt mandata Christi. — *Timeo autem vehementer, in brevi contra Clerum graviora futura.**

² See J. A. Theiner u. A. Theiner die Einführung der erzwungenen Ehelosigkeit bei den christl. Geistlichen u. ihre Folgen. Bd. 2. Abth. 2. S. 642 ff. J. W. Carové vollständige Sammlung der Cölibatgesetze für die kathol. Weltgeistlichen mit Anm. (oder über das Cölibatgesetz des röm. kathol. Klerus 2te Abth.) Frankf. a. M. 1833. 8vo. S. 342 ff.

³ See a catalogue of the addresses made at Constance, and published by Walch in Theiner, S. 647 ff., at Basil, ibid. S. 692 ff. Comp. the extract given by Schelhorn in the preface to Raupachs evangel. Oesterreich, Th. 2. S. XVIII. from the address of Petrus de Pulka, professor in Vienna before the Council of Constance, A. D. 1416: *Attende et videte, ecce Clerus Romanae Curiae, quæ a tempore schismatis ultra humanam malitiam depravata aestimatur, similiter Clerus hujus dioceseos, imo hujus civitatis et ipsiusmet synodi, quam obediens nobis existat. Considerate quæso, an reverendo hanc sacram synodum, in cuius oculis versatur cottidie, saltē in minimo vitam dissolutam emendaverit. Pro certo dicuntur Clerici curiales adhuc suas tenere concubinas inverecunde palam omnibus, adhuc justitiam vendere, ac veluti omni specie lepræ ut prius sordescere, etc.*

at large in this respect.⁴ In no century had there been so many decrees passed against the concubinage of the clergy, as in the 15th;⁵ yet in none were complaints so common of their incontinence (which in Italy degenerated even into unnatural vices,)⁶ as well as derision and lamentation over the inefficiency of all the means used to restrain them.⁷ The numbers of the offenders made it difficult, or

⁴ At Constance the matter was taken up very seriously, as may be seen from the Reformatorium (comp. § 130, note 13), cap. 33 (see *v. d. Hardt Conc. Const. I. X.* p. 635), but no resolution was taken upon it, as, like all the other subjects of reform which were left till after the election, it ended in nothing. The decree passed at Basil, Sess. XX. see in § 131, note 22.

⁵ See the works cited above, of Theiner and Carové.

⁶ *Jo. Franc. Pici, Mirandulae Domini, ad Leonem P. M. de reformandis moribus oratio, A. D. 1517* (in the *Fasciculus rerum expetend. et fugiendarum*, ed. *E. Brown*, p. 419): *Ab illis (sacerdotibus) etiam (proh pudor!) feminæ abiguntur ad eorum libidines explendas, et meritiori pueri a parentibus commodantur et condonantur his, qui ab omni corporis etiam concessa voluptate sese immaculatos custodire deberent; hi postea ad sacerdotiorum gradus promoventur, ætatis flore transacto jam exoleti.*

⁷ See especially the following writers: *Laurentius Justinianus*, patriarch of Venice, † 1455: *De complanetu Christianæ perfectionis* (Opp. ed. Venetiis, 1751. fol. T. II. p. 6), *De institutione et regimine Prælatorum*, c. 20. — *Alphonsus Tostatus*, bishop of Avila, and high chancellor of Castile, † 1454: *Contra Clericos concubinarios* (Opp. ed. Venet. 1728. fol. T. XXV. p. 58). — *Antoninus*, archbishop of Florence, † 1459: *Summa confessionalis P. III. de Clericis, Prælatis, Episcopis*, c. 10–16. — *Felix Hammerlin* (Malleolus) chorister of Zürich, † between 1457 and 1464. Extracts from his works, which are for the most part in Ms. (there is, however, a collection entitled *varia oblationis opuscula*, Basil. 1479. fol.) see in *Meister's berühmte Zürcher*. Basel. 1782. Th. 1. S. 34 ff. *Mirz helvetische Kirchengeschichte*, Th. 3. S. 201 ff. *J. v. Müller's Geschichte Schweizerischer Eidgenossenschaft*, neue Aufl. 1826. Th. 4. S. 225 seq. — *Dionysius de Leevis*, from his native place commonly called a *Ryckel*, a Carthusian in Ruremonde, † 1471. *De vita et regimine Præsum*. Art. 18. 27 seq. 37. *De vita et regimine Archidiaconorum*. Art. 19. seq. *De vita Canoniconum*. *De vita Curatorum*. — *Hermannus Ryd de Reen* (Prior in the convent of Neuwerk near Halle, afterwards a priest, † 1476. See *Leibniti Scriptt. Brunsvic.* II. p. 489) *de vita et honestate Clericorum* (written 1467. Magdeburgi) in *Brownii Appendix ad fasciculum rerum expetend. et fugiend.* p. 129 seq. — *Rodericus Sancius Episc. Zamorensis et Referendarius Pauli P. II.* *Speculum vita humanae* (appeared Romæ 1468, afterwards often reprinted) lib. II. c. 19. — *Lavaerum conscientiae* (anonymous, probably first printed at Augsburg, 1489, afterwards Colon. 1499. 4to.) cap. 4, 13, 15, 17. — *Baptista Mantuanus*, a Carmelite in Mantua, for three years General of his Order, † 1516, *Alfonsus lib. III. De calamitatibus temporum lib. III.* — *Joannes Tritheimius*, a Benedictine abbot in Spanheim, afterwards at St. James in Würzburg, † 1516, *Institutio vita sacerdotalis*, especially cap. 2. (*ejusd. Opp. pia et spiritualia ed. Jo. Buszes. Mogunt. 1605. fol. p. 768 seq.*) — *Jacobus Wimpeling*, Professor in Heidelberg, † 1528, *Apologia pro republica christiana. Libellus de integritate. Epistola ad sacerdotem, ut Concubinam dimitiat in the Auctarium catal. test. verit. p. 275 seq.* — *Sebastian Brandt*, chancellor at Strassburg, † 1520. *Das nūw Schiff von Narragonia*, 1494. — *Jo. Geiler von Kaisersberg*, Preacher in Strassburg, † 1510, *Navicula s. speculum fatuorum* (sermons preached in 1498) 1511. *Das Buch von der Omeissen*. — *Jac. Siberti*, a monk in the convent of Laach. *De calamitatibus hujus temporis*, written 1509–1516 (published in Vater's *kirchenhist. Archip.* 1826. Heft 2. S. 109 ff.). — Satires on the incontinence of the clergy see in *Poggii Florentini*, chancellor of the Republic of Florence, † 1459, *Facetiae*, and in *Heur. Bebelii*, Professor in Tübingen, † 1516, *triumphus Veneris*, lib. III–V. and *Facetiae*. So too in *Laurentii Abstemii*, Librarian in Urbino, † after 1516, fables, which are usually appended to the

impossible to carry into effect the more severe punishments, whilst the avarice of the bishops was easily gratified by substituting therefor pecuniary mulcts, which soon changed into a fixed annual tax.⁸ The commonness of the offence made it seem to the clergy themselves a light thing.⁹ Of course the laity could not be expected to view it in

editions of Æsop's fables, in the 16th century. Extracts from most of these works in Theiner, l. c. See the reflections in the *Epist. de miseria Curatorum*, Aug. Vind. 1489 (in the Append. ad catal. test. verit. p. 283): *Si fortitudo, sanctitas, sapientia Samsonem, David, Salomonem a concubitu mulieris præservare non potuit, quis Curatores ab eodem veneno unquam liberavit?* *Sicut impossibile est, cum pice communicari, et ab ea non coinquinari; ita non suscipiendum est, cum in muliere habitare, et ab ea non maculari.* *O, quam rarum est, si Curator, uxorem non habens, se non coinquinat!* *Ab hoc tempore, quo Clericos ab uxoribus sanctio Apostolica sequestravit, nullus unquam, quantumcunque sanctus et continens, sine suspicione fuit.* *Antea per sacerdotis prolem tota nostra salus profluxit, nunc autem non nisi scandalum venit.* *Olim unusquisque sacerdotum in sua legitima contentabatur: nunc vero sacerdos, qui propriam non habet, feminis indifferenter utitur.* *De illis nemo quod malum est promebat: de istis, quomodo luxuriantur, etiam puer cantat!*

⁸ This was, to be sure, expressly forbidden by the Conc. Paris. ann. 1429. c. 23. (Mansi XXVIII. p. 1107); Conc. Dertusanum (i. e. Tortosanum) ann. 1529. c. 2, (l. c. p. 1144); Conc. Basileense, Sess. XX. (see § 131, note 22) and those who were found guilty of concubinage condemned to be suspended and deposed: still at a Synod in Breslau, 1447 and 1456, it was decreed by the bishop, Peter II. (*Hartzheim* Concil. Germ. V. p. 445), *quatenus omnes Clerici — concubinas, sive focarias, aut alias mulieres quascunque de incontinentia suspectas — rejiciant et desistant, — sub poena decem florenorum nobis ad Cameram nostram irremissibiliter persolvendorum.* Hence continued complaints of this abuse, see *Theobaldi* publica conquestio in Conc. Const. ann. 1417, in v. d. Hardt I. XIX. p. 909. *Fel. Hämmerlin*, see *Wirz helvet. Kirchengesch.* Th. 3. S. 77. *Dionysius Carthusianus* de vita et regime Archidiaconorum. Art. XIX. contra periculosam, vitiosam atque damnabilem consuetudinem visitandi, et pecuniam recipendi a forniciariis. *Hermannus Ryd de Reen* de vita et honestate Clericorum c. 1. in *Brownii* App. p. 133. *Jacobus Siberti* de calamitatibus hujus temporis relates (Vater's Archiv, 1826. S. 181), that an archbishop of Cologne (Theoderich 1423) having ordered the clergy to put away their concubines under severe penalty, was soon obliged to give up the point, p. 184: *accipit nempe antistes a sacerdotibus pecunias, et dimisit illis concubinas: forte vel nesciebat alio remedio malitiae temporum obviare, — vel multitudine territus proficere desperabat.* *John Busch*, Provost of the convent of Neuwerk near Halle, about 1450, having ordered the inferior clergy under him to give up their concubines (see his own account of the matter in *Leibnitii Scriptt.* Brunsv. II. p. 819), *quidam corum potius elegerunt Ecclesiæ suas quam famulas suas dimittere.* *Ecclesiæ enim suas sine rectore relinquentes cum famulabus suis inde recesserunt.* In this state of things complaint was made to the Provost: *Populus illarum Ecclesiæ missas non habent, nec sermones, nec alia divina, sed vadunt quasi sine Deo sicut gentiles.* *Melius esset, quod permitteretis, ut Plebani suas retinrent concubinas, quam ut populus ille tanquam gentilis efficeretur: hoc enim esset minus malum.*

⁹ *Stephani Episc.* Brandenburgensis (1422 — 1459) comin. ad orat. domin. c. 17 (in Ph. W. Gereken's ausführl. Stiftshistorie von Brandenburg. Braunschweig u. Wolfenbüttel, 1766. 4to. S. 226): *Quid ergo dicimus de Clero nostro et sacerdotibus, inter quos etsi pauci sunt simoniaci, pauciores vero schismatici, paucissimi vel nulli, ut speramus, extant haeretici a quibus ut sic populus ad ipsorum perniciem ecclesiastica recuperet sacramenta; sunt tamen, quod cum dolore et non sine magnis gemitiibus dicere nos veritas compellit, heu plurimi concubinarii et fornicatores etiam notorii, ex quorum vita plurimi scandalizantur, non solum vulgares et plebeji, sed etiam Magnates et principes.* *Et adeo pestis ista et crimen hoc invalidit, ut talibus sacerdotibus frons meretricis facta sit, sic ut pro modico ducent, fornicationem et adulteria committere.* — *Nam etsi ex lapsu carnis impræ-*

any other light, and in consequence the vice increased to a fearful degree,¹⁰ so as at the end of the 15th century to give birth to a new

nantur ab eis, vel forte ab aliis, focariæ et meretriccs eorum, non inficiantur vel abnegant peccatum, sed pro summo honore arbitrantur, se parentes illorum esse, qui de dannabili coitu procreantur. Unde et gloriando de malitia sua convicinos presbyteros et alios laicos utriusque sexus convocant, et per se patrinos ad filiorum suorum baptismia invitant, magnamque festivitatem pro talium filiorum generatione et solemnitate et gaudium faciunt, de quo potius deberent luctum suscipere, etc. See with what frivolity *Æneas Sylvius*, after he had become a priest and was engaged at the Council of Basle, announces to his father the birth of a son in Strasburg, Ep. 15: Certe nec lapideum nec ferreum genuisti filium, cum esses tu carneus. Scis, qualis tu gallus fueris: at nec ego castratus sum, neque ex frigidorum numero. Nec sun hypocrita, ut videri bonus quam esse malum. Fateor ingenuum meum erratum, quia nec sanctum sum David Rege, nec Salomonem sapientior. Antiquum et vetus est hoc delictum, nec scio, quis eo carcat. Late patet hæc pestis (si pestis est, naturalibus uti), quamquam non video, cur tantopere damnari coitus debeat, cum natura, quæ nihil perperam operatur, omnibus ingenerit animantibus hunc appetitum, ut genus continuaretur humanum, etc. In the diocese of Speyer two successive bishops labored with great zeal against this abuse, namely, Louis of Helmstadt, 1478–1504 (see the Acta of the Synod in *Würdtwein* subsidia diplom. XII. p. 196 seq.), and Philip of Rosenberg, 1504–1513 (*Würdtwein* nova subsid. dipl. VIII. p. 294 seq.). The only consequence was (see 1505 nova subsid. dipl. VIII. p. 299), that the clergy complained inter convivas et scortorum consortia, in Episcopatu Spirensi solam luxuriam esse peccatum, et pene neminem fuisse punitur, nisi solum illos aut eos frequentius, qui castitatis vitio laborabant, cæteros vero longe enigmoris gravioribus irretitos criminibus aut a poena fuisse immunes, aut saltem mediocriter in comparatione lascivorum mulctatos: cum tamen sancti Doctores et jura canonica afferant, incontinentiam inter peccata mortalia esse minimum. The bishop, however, perseveres in his decrees, moti ex hoc verbo Gregorii, quo dicit, fornicationem minoris quidem esse culpæ, majoris autem diffamiae, cuius auctoritatis huic vitio dediti prima verba, nos vero ultima attendimus, propter quod ipsi peccatum hoc suum in se parvi faciunt, nos diffamiam et scandalum magnificamus. Pensamus hæc et multa alia innumerabilia mala corporis, famæ et animæ, quæ hæc cum mulieribus suspectis conversatio et cohabitatio secum afferunt, in primis autem illud, quod raro tales vere et catholice peccata sua confitentur: emendandi propositum, quod habere se dicunt, regulariter aut fictum est aut falsum, et — legitime et coram Deo non absolvuntur. *Hermannus Ryd de Reen* de vita et honestate Clericorum, c. 1. in *Brown App.* ad fasciculum, p. 133: Antiquitus — mali Clerici et sacerdotes fuerunt hypocritæ, — quibus valde erat infestus Salvator, — cum sæpe eos redarguit, contra eos prædicavit. — Moderni autem Clerici pejores sunt illis hypocritis, qui, licet mali sunt et pessimi prævaricatores pro majori parte, non tamen talia in occulto hominibus nescientibus, ut hypocritæ, fecerunt. Utinam foret ita bonum, ut justi coram hominibus apparerent, ne homines in eis scandalizarentur. Sed aliter est negotium: quoniam minus verecundantur laicis, gloriantes de malitia eorum et male actis. Quot publicos fornicatus sive fornicarios videmus! imo, quod pejus est, tales et hujusmodi sic vivere permittuntur publice ab eorum Prælatis, solum quod omni anno porrigant certam quotam pecuniarum Officialibus eorum!

¹⁰ Complaints of the effect of this example Concilium Parisiense, ann. 1429. c. 23 (Mansi XXVIII. p. 1107). Cum propter crimen concubinatus, quo multi ecclesiastici et religiosi viri inficiuntur, habeantur Ecclesia Dei et totus Clerus in derisum, abominationem, et opprobrium cunctis gentibus; et illud nefandissimum scelus in Ecclesia Dei adeo invaluit, ut jam non credant Christiani, simplicem fornicationem esse peccatum mortale (see *Huss sermo syn.* ann. 1405, below, § 149, note 5): nos volentes ad extirpationem tanti facinoris — providere, etc. In the summons to the Synod on St. Martin's day, 1486, the bishop of Speyer complains (*Würdtwein* subsidia diplom. XII. p. 247): licet — nos contra concubinarios nostrarum civitatis et diocesis Spirensis processus nostros varios, et quidem formidabiles et diras in se continentis poenas pro hujusmodi vitio concubinatus extinguendo promulgaverimus; nihilominus tamen validus et frequens clamor ad nos

and disgusting disease.¹¹ As early as the Council of Constance, it was openly said that nothing could remedy these evils but to allow the marriage of priests :¹² but such was the strength of prejudice that men in other respects liberal in their views, as for instance the chancellor Gerson, resisted every effort to change the existing laws of the church.¹³ There always continued to be intelligent men, who advocated the marriage of priests ;¹⁴ but the interests of the hierarchy

perduxit, quod nonnulli, immo ut asseritur multi, per civitatem et diocesim nostras adeo patule et publice secum tenuerint et teneant mulieres suspectas et concubinas, tamque reprehensibilem cum eis agant vitam, quod exinde Laici non tantum scandalisantur, sed et ipsi corum exemplo similiter peccandi sumant occasionem, etc. *Lavaacrum conscientiae*, c. VII.: Propter quod secundum b. Bernardum in districto Dei judiciorum judicantur non solum quia in his peccaverunt, sed etiam ideo quia suis nefandis exemplis rudibus et simplicibus occasionem peccandi dederunt. Propter quod etiam in hac vita corda eorum indurantur, quod raro aut nunquam pœnitent, præcipue hi, qui peste luxuria aut avaritia infecti sunt, quia a nullo volunt corrigi nec alicuius informationem accipere. Cittius enim decem laici vel plures ab errore suo revocantur, quam unus Clericus vel literatus perverse vivens. Et ideo in sensum reprobum multi tales traduuntur, et cœcitate justo Dei judicio percutiuntur, etc.

¹¹ Ph. G. Hensler's *Gesch. der Lustseuche, die zu Ende des funfzehnten Jahrh. in Europa ausbrach.* Altona, 1783. Theiner II. II. S. 803 ff.

¹² *Franciscus Zabarella* (from 1411 Cardinalis Florentinus, † 1417) capita agendorum in Conc. Constant. de reformatione Ecclesiæ, c. 12 (*v. d. Hardt* Conc. Const. I. IX. p. 524): Circa concubinarios provideatur cum effectu; alias sic negligendo præstaret permittere conjugium Clericis. Et de hoc etiam disponetur. Especially *Wilhelmi Sagineti* (Saignet, a French knight) *lamentatio ob cœlibatum sacerdotum, seu dialogus Nicænæ constitutionis, et naturæ ea de re conquerentis*, Ms. in Basle cf. *Oudini* comm. de scriptoribus Eccles. antiquis. T. III. p. 2325.

¹³ *Gerson* answered Saignet in the *dialogus sophiae et naturæ super cœlibatu Ecclesiasticorum* (Opp. II. p. 617 seq.). In this he acknowledges the impossibility of checking the incontinence of the clergy, but still will not hear of the marriage of priests, comforting himself with the reflection, p. 634, de duobus malis minus est incontinentes tolerare sacerdotes, quam nullos habere. His views on the subject, too, are lax to a degree in him surprising; e. g. *Sermo contra luxuriam Dom. II. Adv.* (Opp. III. p. 917): Violatne persona votum suum, quando non servat castitatem suam, vel etiam Presbyter, aut religiosa persona? Respondeo, quod regulariter votum castitatis fit, quod nunquam vovens contrahere velit matrimonium, et pro hoc quis consequenter obligatus est ad castitatem. Ideo non violat votum suum is, qui non contrahit matrimonium, quamvis peccet gravissime. One of the means recommended to prevent such offences, *Sermo contra luxur. Dom. IV. Adv.* (l. c. p. 932): Tertium remedium est efficere, ut paucissima faciant peccata, et interdum multa bona facere. Notate, quod sit in secreto, et extra festa et loca sancta, cum personis sine vinculo.

¹⁴ Sigismund's Reformation (first ed. by Joh. Bämler, Augsburg, 1476, and in *Goldasti* Constit. imperial. I. p. 170; with some arbitrary changes in Basil 1521) was not, to be sure, presented to the Council of Basil, as the title-page of the ed. of 1476 represents, nor to the Council of Constance, as is represented by the title of the ed. of 1521; nor is it by Sigismund, but more probably (as is supposed by *v. d. Hardt*, Conc. Const. I. XXVII. p. 1121) by the imperial counsellor, Frederick v. Landskron, after Sigismund's death, but still it is an important document. In the Section Von Ordenung aller Pfarrkirchen it is stated that all the measures against concubinage had proved ineffectual. It is then proposed that each church shall have two married priests; that they shall serve on alternate weeks, and that each in his week shall refrain from intercourse with his wife. — *Nicolaus Panormitanus* (see § 131, note 38, † 1445) *Lectura super c. cum olim. De clericis conjugatus* (i. e. ad *Decr. Greg.* Lib. III. Tit. III. c. 6.) ed. Taurin. 1577. fol. 361. proposes the question: *Numquid hodie Ecclesia possit statuere, ut*

were too deeply involved in the question to expect them to yield.

Clericus possit contrahere matrimonium, sicut Græci? and answers: Credo, quod sic, — et non solum credo, potestatem inesse Ecclesiæ hoc condendi, sed credo pro bono et salute animarum quod esset salubre statutum, ut volentes continere et magis mereri, relinquenter voluntati eorum; non volentes autem continere, possint contrahere: quia experientia docente contrarius prorsus effectus sequitur ex illa lege continentiae, quoniam hodie non vivant spiritualiter, nec sint mundi, sed maculentur illicito coitu cum eorum gravissimo peccato, ubi cum propria uxore esset castitas, ut dicitur *Cup. Nicæna* (Deeretur Grat. P. I. Dist. XXXI. c. 12). Unde deberet Ecclesia facere, sicut bonus medicus, ut si medicina, experientia docente, potius officit quam prospicit, eam tollat. Et utinam idem esset in omnibus constitutionibus positivis, ut saltē obligarent quoad pœnā, et non quoad culpam. Nam ita creverunt statuta positiva, ut vix reperiantur aliqui, qui non corruerint viam suam. — *Æneas Sylvius* hist. Conc. Basil. lib. II. (ed. Catopoli, 1667. 4to. p. 86): fortasse non esset pejus, sacerdotes quamplures uxorari: quoniam multi salvarentur in sacerdotio conjugato, qui sterili in Presbyteratu damnantur. De auctoritate Conc. Basil. dialogus (in *Kollar Analecta Vindobonensia* II. p. 780): olim conjugem nec habere, nec habuisse indecorum sacerdotibus fuit; hodie vero solum habere interdictum, quæ prohibito, ut ego existim, utilius quoque hodie prohiberetur. When Cardinal he wrote to his friend *Jo. Frunt* (Ep. 307): Creditinus te uti non insulso consilio, si, quum nequeas continere, conjugium quæris, quanvis id prius cogitandum fuerat, antequam initiaris sacris ordinibus. Sed non sumus Dii oranes, qui futura prospicere valeamus. Quando huc ventum est, ut legi carnis resisteres nequeas, melius est nubere, quam uri. Non tamen hac Pontificis sententia, ut dispensandum censeat: stat in sua severitate. — Expectandus est ergo, ut tute agas, alterius Apostolatus, qui mitior sit. So too when Pope. One of his sayings was (*Platina de vitis Pontiff. ed. 1645. p. 762*): Sacerdotibus magna ratione sublatas nuptias, majori restituendas videri. — Also the French Carmelite, Thomas de Rennes (*Thomas Redonensis*), who preached with great zeal in France and Italy against the corruption of the Roman church, and insisted upon a reformation (for which he was burned at the stake in Rome, 1436), is supposed to have been an advocate for the marriage of the priests. The passage attributed to him in *Flacii catalog.* no. 365, is, however, that of *Panormitanus*, above cited. See *Baleus. Centur.* VII. c. 100. — *Felix Hämmerlin* also, in his work de libertate eccl., wished that the priests might be allowed to marry. See Müller's *Schweizer. Gesch.* Th. 4. S. 261. Ann. 309. — *Alain Chartier*, secretary of the kings Charles VI. and VII., † 1458, in his work *l'esperance ou consolation des trois vertus* (*Les œuvres de Maistre Alain Chartier, reveuées, corrigées par A. du Chesne. à Paris, 1617. 4to. p. 388.* The passage given by *Flacius catal.* test. no. 200, and *Theiner II. II. 697*, in Latin, but erroneously cited from the work le Curial citit): Or fut il pieça fait un nouvel statut en l'Eglise latine, qui desseura l'ordre du saint mariage d'avec la dignité de Prestrise souz couleur de purté et chasteté sans souilleure. Maintenant court le statut de concubinage au contraire, qui les a attrait aux estats mondains, et aux deliz sensuels et corporels. Et qui plus est, se sont rendus à immoderée avarice, en procurant par symonie et par autres voyes illicites, litigieuses, et processives en corruption, et autrement, benefices et prelatures espirituëlles. Et avec ce se sont souillez et occupez ès affaires citoyens, et ès negoces et cures temporelles. Et ce premier statut departit pieça l'Eglise grecque d'avec la latine. Et ores la desordonnance avaricieuse des Prestres a fait separer les peuples de Behaigne (Böhmen) d'Eglise de Rome. Que dy-je de Behaigne? mais de Chrestienté presque toute. Car les gens de l'Eglise ont si avilenné par leurs coulpes eux et leur estat, qu'ils sont ja desdaignez et des grands et des menus du monde: et les cœurs estrangez de l'obéissance de sainte Eglise par la dissolution de ses ministres. Car, comme dit est, ilz ont laissé les espousailles, mais ils ont reprins les illegitimes, vagues, et dissolues luxures. Je ne vueil plus avant eslargin ma parole. Car tant ont telles Constitutions de lieu, comme on y prent de plaisir. Que a apporté la Constitution de non marier les Prestres, si non tourner et eviter legitime generation en adoutrise, et honneste cohabitation d'une seule espouse en multiplication d'escande luxure? Se je disoye tout ce que j'en pense, je diroye plainement, que la gresse des biens temporels meslee du souffre d'envie, et la chaleur d'ambition et de luxure ont fait

Thus the hatred of the laity towards a clergy, who added such im-

leur apprest pour mettre le feu en l'Eglise, etc. — *Jo. Anton de S. Georgio*, Professor Juris in Pavia, Provost at Milan, at last Cardinal, † 1509. In his *Aurea et singularis lectura super quarto Decretalium cum additionibus Benedicti de Vadis. Lugd. 1522. fol.* we read ad Tit. VI. Qui Clerici vel voentes matrimonium contrahere possunt, in the Rubrica, where the editor speaks: *Teinpore primitivæ Ecclesia licebat Presbyteris, et sic constitutis in sacris, uxorem habere, dummodo die celebrationis abstinerent a conjugibus.* Postea in occidentalî Ecclesia venit prohibitio, ut constituti in sacris deberent continere. Dicit hic Cardinalis (namely, *Jo. Ant. a S. Georgio*), quod dat materiam illaqueandi plures animas hoc præceptum, et ideo credit, quod, sicut Ecclesia induxit hoc præceptum continentia, quod quandoque revocabit; et erit conveniens dicto Apostoli revocatio, qui dixit: de virginibus præceptum non habeo, consilium autem do. *Conrad Celtes*, Professor in Ingolstadt and Wien, † 1508, Amorum lib. II. Elegia 6:

Gregorius primi Friderici tempore regni,
O quantum incauti pectoris egit opus!
Ille sacris vetuit celebs connubia lectis,
Liberior viiis ut sacra vita foret.
Nullus enim pudor est teneras violare pueras,
Et neque legitimas sollicitare faces.
Quique uno quondam fuerat contentus amore,
Ille modo plures rite fovere potest, etc.

Baptista Mantuanus, Carmelite in Mantua, † 1516, Fastorum lib. I. *De s. Hilario* (Opp. ed. Antverp. 1576. 8vo. T. II. fol. 252):

Non nocuit tibi progenies, non obstitit uxor
Legitimo conjuncta thoro, non horruit illa
Tempestate Deus thalamos, cunabula, tædas;
Sola erat in pretio, quæ nunc incognita virtus
Sordet, et attrito vivit cum plebe ecullo.
Propterea leges, quæ sunt connubia contra,
Esse malas quidam perhibent: prudentia patrum
Non satis advertit, dicunt, quid ferre recuset,
Quid valeat natura pati: cervicibus, ajunt,
Hoc insuave jugum nostris imponere Christus
Noluit, istud onus, quod adhuc quam plurima monstra
Fecit, ab audaci, dicunt, pietate repertum.
Tutius esse volunt, qua lex divina sinebat
Isse via, veterumque sequi vestigia patrum,
Quorum vita fuit melior cum conjugè, quam nunc
Nostra sit, exclusis thalamis, et conjugis usu.

Jo. Marius Belga (le Maire, Historian of Louis XII.) de schismatum et Concilio-
rum Ecclesiæ universalis differentia, written in French, 1511, translated into Latin
by Simon Schardius, and appended to his life of Theodoricus a Niem (Argentor. 1609. 8vo. p. 571 seq.). Pars I. c. 2: *Tria præcipue Ecclesia universalis magnum
damnum attulere, nimirum ambitio, avaritia mater, omissione seu neglectus Concilio-
rum generalium, legitimi matrimonii sacerdotum in Ecclesia latina prohibito: de
quibus singulis ample fuseque in toto hoc opere dicetur.* On the last head he
brings extracts from *Chartier*, P. III. c. 15, and then remarks, cap. 16: *quantumvis diligenter investigarim, quo Papa auctore, vel cuius Concilii decreto conju-
gium sacerdotibus sit interdictum in Ecclesia latina, id tamen nusquam invenire
potui.* Alii siquidem id tempore Gregorii septimi, monachi Cluniacensis, factum
esse tradunt: — alii id multo ante factum esse existimant in Concilio Nicæno, cuius
tamen decreto Græci subscribere noluerunt: in Belgico, seu inferiori Germania
sentient, id auctore Papa Calixto factum, et ad hoc versiculos hosce, cum barbaros,
tum ridiculos allegant:

O bone Calixte, nunc omnis Clerus odit te:
Olim Presbyteri poterant uxoribus uti:
Hoc destruxisti, tu Papa quando fuisisti:
Ergo tuum festum nunquam celebratur honestum.

morality to their presumption and avarice, was more and more embittered;¹⁵ and seeing in the riches with which they were endowed the origin of their corruption, the feeling was constantly gaining ground that no reform could be hoped for till they should be deprived of their possessions.¹⁶

Polydorus Vergilius of Urbino, who was a long time in England, † 1555, de rerum inventoribus (appeared first in Bonon. 1499. 4to.) lib. V. c. 4: Illud tamen dixerim, tantum abfuisse, ut ista coacta castitas illam conjugalem vicerit, ut etiam nullius delicti crimen majus ordini dedecus, plus mali religioni, plus doloris omnibus bonis impresserit, inusserit, attulerit, quam sacerdotum libidinis labes. Proinde forsitan tam e republica christiana, quam ex ordinis usu esset, ut tandem aliquando jus publici matrimonii sacerdotibus restitueretur, quod illi sine infamia sancte potius colerent, quam se spurcissime ejusmodi naturæ vitio turpificarent.

¹⁵ *Lavacrum conscientiae*, cap. VI.: Quid est ergo, quod cæteri homines cujusque status nobis infesti sunt? Certe non possumus dicere, quod hæc sit causa, quod filii hujus sæculi persequuntur nos, tanquam filios lucis: — quia non sumus filii lucis sed tenebrarum. — Noc occurrit nobis alia causa, nisi quod transgressores legis sumus, nec eam in corde diligimus, nec eam in ore prædicamus, nec etiam eam opere adimplimus: et sic abutimur sacerdotii dignitate. — Ubi enim major æmulatio peccatorum nisi in sacerdotibus, qui non solum in se omni iniquitate sunt pleni, sed etiam aliis sunt occasio peccandi et ruinæ æternæ damnationis. — Nam si Presbyter sit avarus, usurarius, gulosus, etc., solum non sit luxuriosus; tunc ab omnibus hominibus habetur sanctus et honestus. Si vero de aliis virtutis est innoxius, sed vacet solummodo luxuria, contemnitur ab omnibus hominibus tanquam presbyter vitosus. Cap. VII.: Et propter hæc et his similia multi laicorum ab elargitione eleemosynarum et a fundatione beneficiorum retrahuntur. Sicque viluit sacerdotium et quotidie vilescit, et multi erubescunt Clerici fieri, vel suos permittere clericari: et si Clerici efficiuntur, tamen perversa intentione hoc fit. Nam divites hoc faciunt propter pinguiores præbendas, pauperes vero ideo, quod leviori et meliori modo se nutrire possunt. *Trithemius* instit. vitæ sacerdot. cap. 4. note 1, above.

¹⁶ See *Juliani Card. epist. ad Eugen. IV.* § 131, note 6. *Andreas Episc. Megarensis.* § 131, note 19. Also the so-called Reformation of Frederick III. (Goldast's Reichssatzung, S. 280). — *Gravamina* Ord. Equestris in Bavaria Georgio diviti Duci Landshutensi, ann. 1499, exhibita in the Bibliotheca hist. Göttingensis. Th. I. 1758. 4to. S. 289: plura tributa et prædia cum possident Ecclesiastici, quam Principes et Nobilitas sua, fere omnia suæ subjiciunt avaritiae; et licet, ut ait divus Hieronymus, temporalibus augmentis spiritualia etiam in dies augmentari deberent, ea tamen magis atque magis diminuantur, et omnino obli- viscuntur Ecclesiastici illi majorum nostrorum, qui eos ditarunt. — Religio peperit divitias, sed filia conspiravit in necem parentis; crescit animus, crescent affectus. *Jo. Marius Belga* de schismat. et Concill. seeks to show, P. I. (see P. I. c. 1), quomodo opes Ecclesiæ datae, maxime a Constantino M. et successoribus ejus, Pipino, Carolo M., Ludovico Pio, et aliis, etsi primo sub specie sanctitatis, probitatis et castitatis sint partæ, nihilominus tamen postea pessimos fructus produxerint, nimirum superbiam, arrogantiæ, fastum, hæresin, principum contemptum, tyrannidem in subditos, imprudentiam, aliaque ejus generis vitia complura. Compare *Alain Chartier*, note 14, above.

CHAPTER THIRD.

HISTORY OF MONACHISM.

§ 139.

ATTEMPTS TO REFORM THE OLDER ORDERS.

The corruption of the convents¹ could not well escape notice in this period, in which so much was said of reform; and we find, therefore, constant complaints of their state as well as attempts to remedy the evil. The Council of Constance began these efforts by causing a Chapter of the German Benedictines, the first for many years, to be held under its superintendence in 1417.² This example was followed in other countries,³ but without much success, till the Council of Basil, when the reformation of the *Regular Canons* of Germany was committed to the general chapter of the convent of Windesheim;⁴

¹ See § 108. The only exception was the Carthusian Order, see *Jo. Buscii de reformatio monasteriorum lib. III. c. 32.* in *Leibnitii Scriptt.* Brunsv. II. p. 935: *Carthusia a prima sui institutione semper in observantia regulari permanit propter tria, videlicet solitudinem, silentium et visitationem, ut patet in hoc versu:*

Per tria So. Si. Vi. Carthusia permanet in vi.

² This was a Capitulum provinciale monachorum nigrorum Provinciae Moguntinensis et Diocesis Bambergensis, see *Trithemii Chron.* Hirsaug. ad ann. 1417. T. II. p. 346 seq. The Acts of this Chapter see in *Trithemii opp. pia ed. Busaeus* p. 1030 seq., more complete in *v. d. Hardt Conc. Const. I. XXVI.* p. 1086 seq. That very important reforms for the Monastic Orders were proposed at Constance may be seen from the *Reformatatorium* (see § 130, note 13) in *v. d. Hardt I. X.* p. 703 seq., but they never were carried into effect.

³ See the Capitulum provinciale nigrorum monachorum apud Westmonasterium ann. 1422. (in *Mansi XXVIII.* p. 1037). Concil. Parisiense, ann. 1429. c. 12 seq. (l. c. p. 1102).

⁴ The chief authority on this subject is *Jo. Buschii* (of Zwolle, from 1419 a Canon in Windesheim, afterwards Prior in Sulta near Hildesheim, Abbot of the convent Neuwerk near Halle, and again Prior in Sulta, † 1479) de reformatio monasteriorum quorundam Saxonie, libb. IV. in *Leibnitii Scriptt.* Brunsvic. II. p. 476 seq., and p. 806 seq. The convent of Windesheim near Zwolle was the most important among those of the Regular Canons, who were connected with the fratres vita communis, and the seat of the Capitulum generale, which assembled yearly from all the convents of these two orders. Although very strict in the observance of their rules, the Regular Canons were far removed from any thing like exaggerated ascetic notions. *Jo. Busch.* Chron. Windesemense (ed. *Herib. Roswydus.* Antwerp. 1621. 8vo.) lib. II. c. 5. p. 276, relates: *duo fratres in Windesem propter hujusmodi rigidam abstinentiam et occultam alimentorum sibi necessariorum subtractionem cerebrum et naturalia conturbantes, rationis facti sunt impotentes.* — *Perpendentes igitur Patres nostri et seniores, hujusmodi rigidam abstinentiam pro animarum non esse salute, nec corporum sanitatem, sed in personarum et Ordinis nostri perpetuam vergere destructionem,* — *plenam dederunt licentiam omnibus fratribus et familiaribus suis bene comedendi, et de cibariis quæ dantur in communi quantum poterant sine scrupulo et cum bona conscientia libere assumendi, immo etiamsi noluerunt, natura ne deficiat, ad sumendum compellendi.* — *Unde et nos apud nos inolevit, ut, cum Clericus quis ad religionem se suscipi deprecatur, tria*

in conjunction with which the reformation of the *Benedictines* was begun by the convent of Bursfeld.⁵ Soon after this (1450–1451) the Cardinal Nicholas de Cusa appeared in Germany as papal legate to advance the cause of reform generally, so far as the necessity of reform was recognised by the court of Rome; and he too engaged in the reformation of the convents.⁶

primum puncta ab ipso interrogentur, videlicet an bene possit comedere, an possit bene dormire, et an velit libenter obedire: quoniam in istis tribus punctis fundamentum perseverantiae in religione consistit, et cum ex premissis unum defuerit, ad religionem aptus et idoneus non erit. The reputation of the convent induced the bishops to call on them to reform other convents of their Order in the Netherlands, and on the Rhine; in Saxony they were called on to assist in the reformation of a convent in Wittenburg, A. D. 1423 (*Busch* de reform. monast. I. c. 11. p. 488). After this, A. D. 1435, the Priors of Windsheim and Wittenburg were commissioned by the Council of Basil to conduct a reformation of all the convents of their Order, male and female, in Ducatu Brunsicensi, ac Hildesemensi, Halberstadiensi, Verdensi diœcesi, and invested with full powers for the purpose (see the commission in *Busch*, p. 486). John Busch was appointed Subprior in Wittenburg, A. D. 1439, was commissioned first with the reformation of the convent of Sulta near Hildesheim (I. c. p. 491 seq.), and from that time forward was very active in the service.—At a later period Canons from Windsheim, with Jo. Mauburnus at their head, were called upon to undertake the reformation of the Augustine and Benedictine convents in France, see *Gallia christiana* VII. p. 836. 1744. XII. p. 1770. See the correspondence between Mauburnus and Erasmus, *Ibid.* VII. Instrum. p. 280.

⁵ Concerning which see *Busch* I. c. 43 seq. in *Leibnitius* II. p. 841 seq. *Trithemii Chron.* Hirsaug. II. p. 350 seq. ejusd. *Chron. Spanheimense* in Opp. hist. ed. *Freheri* P. II. p. 350 seq. J. G. Leuckfeld's antiquitates Bursfeldenses, od. hist. Beschreibung des ehemal. Klosters Bursfelde, und der daher rührenden Bursfeldischen Societät Benedictinerordens. Leipzig u. Wolfenbüttel, 1713. 4to. It was begun by John of Minden, who was at Constance at the Benedictine chapter as representative of the convent of Rheinhausen, and himself had been a zealous advocate of reform. Having been appointed Abbot of the convent Clus near Gandersheim by Otho, duke of Brunswick, 1430, he undertook and carried through a reform; as also in the convent of Bursfeld, where he was appointed Abbot, A. D. 1433. After this he connected himself with John Rode, Abbot of St. Matthews, near Triers, who was distinguished by like zeal in the cause, and the union of these two convents laid the foundation of the congregation of Bursfeld. By the influence of these convents, namely, many of the Benedictines in Saxony and Westphalia, as also on the Rhine, having been reformed (see *Symbolæ ad hist. monasterii Lacensis ex codd. Bonnensibus de promtæ. Bonnae*, 1826. 4to. p. 8 seq.), an association was formed amongst them. In this reformation also the Regular Canons were called on to assist, see *Busch* I. c. 46. p. 844 seq. He relates, I. c. 43. p. 841: Praefati patres Johannes (v. Minden, whom he calls de Northem) et Rembertus (Prior in Wittenburg) a Concilio Basileensi bullas impetrarunt, ut unusquisque eorum sui Ordinis monasteria sexus utriusque per Saxoniam et Ducatum Brunsensem assumpto adjutorio cum invocatione brachii sæcularis possent reformare: et cuncta ad id necessaria in bullis eorum sunt expressa, videlicet ut per censuras ecclesiasticas eos ad se reformandum possent compellere cum invocatione brachii sæcularis, cum absolutionibus a sententiis quibuscumque. He dates these bulls, however, before the reformation of the convent Clus, at which time the Council of Basil had not yet met; but probably both events took place in 1435, see note 4. The Council issued a new call for the reformation of the Benedictine convents, dd. X. Kal. Martii, 1439 (*Trithemii opp. pia ed. Busæus*, p. 1016 seq.).

⁶ He empowered John Busch, and Paul, provost of the Maurice-convent in Halle, 1451, to reform all the convents of the Canonici regulares per provincian Magdeburgensem et Moguntinam, Saxoniam et Thuringiam; see the document in *Busch* IV. c. 2, p. 956. The aim of the reform was given as follows: Volumus,

In spite of all these efforts, however, only a partial reformation could be effected.⁷ The custom which had been introduced into almost all the convents of sharing the revenues, and the independence which this secured them, had for the monks too great a charm.⁸ At Constance a Cistercian monk even undertook formally to justify this practice ;⁹ and afterwards the most frivolous pretexts were sought

quod omni diligentia bujusmodi visitatores invigilent, ut tria substantialia omnis Religionis, scilicet *paupertas, castitas et obedientia*, exactissime observentur, et uniformitas habitus ac morum in vestro Ordine ubique observetur; ita quod nemo Canonicorum regularium Ordinis vestri utriusque sexus professus — sine Roqueto (Ital. *Rocchetto*) romano cum manicis deinceps incedere presumat, omnibus dispensationibus — non obstantibus.

⁷ *Jo. Niderus* (a Dominican prior in Basil, † 1438) de visionibus ac revelationibus (or formicarius) I. c. 7, ed. v. d. Hardt. Helmst. 1692. 8vo. p. 97: De reformatione particulari in civitate Ecclesiae possibili in multis statibus et religionibus non dubito. Quin easdem indies introduci videimus in quibusdam monasteriis et conventibus, sed cum quanta difficultate, novit altissimus. Si enim præsente generali Concilio in Basilea annis sex nec unum quidem fragilis sexus monasterium coöperante etiam seculari consulatu reformati potuit propter quorundam inhabitantium vitam malam et eisdem junctam saevitiam: quid quæsperandum est de virorum nobilium vel literatorum collegiis, qui ruinas et deformitates suas, in spiritualibus existentes domibus, non modo armis chalybeis, sed etiam quæ deteriora sunt verbalibus et ligneis possunt defendere! The Augustine Eremite, *Jo. Schiphower de Meppis*, says, 1504, in his Chron. Oldenburgenium Archiconitum, in *Meibomii Rerum Germ.* T. II. p. 170, ad ann. 1426: Circa hæc tempora reformatio magna plurimorum monasteriorum in diversis mundi partibus fuit. Et nota, quod hujusmodi reformationes leguntur factæ, sed pene nulla reinansit, quia solito more per successum temporis ad pristinum relaberetur languorem post venerabilium patrum mortem.

⁸ See the account given by *Buschius* I. c. 4, p. 480, of the condition of the convent Ludinkerka in Friesland, before the reform, A. D. 1428: Ante reformatiōnem pauci ibi fuerunt sacerdotes, et plures conversi ultra XXX. aut L., qui pactum fecerant cum conversis Conniani monasterii Ordinis Cisterciensis ad unum milliare inde distans, quod mutuo se juvare vellent cum centum viris armatis: idecirco totam illam Frisiæ partem sibi subjugaverant. Quidam autem Vasallus circa monasterium in castro habitans — retulit ad Episcopum Trajectensem de mala et pessima eorum vita, quorum nullus erat continens, et omnes proprietarii, habentes secum moniales in monasterio, quæ aliquando imprægnatae genuerunt. Cognovi ibi Abbatem, cuius pater conversus dictus fuerat, mater vero monialis. — Episcopus autem Fridericus de Blankenheym, vir prudens et literatus misit illic Ambasatores suos, — qui personas dicti monasterii visitantes, invenerunt omnes pene conversos sine regula et professione ibi intrasse, et usque tunc in præsens ilidem per multos annos sic permansiſſe. Quarentes autem, quomodo ad habitum conversorum assumendum pervenissent, responderunt; quam primo hic intravimus, plures hic vidimus alba tunica et scapulari indutos, et tamen in armis bellicis expeditos. Comparavimus igitur etiam nobis album pannum, unde tunicas albas, caputia alba, scapularia nobis fieri procuravimus, et per nos ipsos eas induimus. Interrogarunt, an aliiquid audissent de regula? Responderunt: nunquam, sed unusquisque nostrum aut moniale, aut conversam, aut aliam mulierem sibi assumpsit, cum qua sine copulatione matrimonii dormivit. It was not so bad in all the convents, but a division of property, incontinence, a worldly life, and neglect of the rules we find in all the unreformed convents.

⁹ *Anonymi* Ordinis Cistere. propositio affirmativa in Constant. Conc. ann. 1417, oblata et examinata, quod monachi Cistercienses possint propria possidere bona (in v. d. Hardt Conc. Const. III. p. 120 seq.), c. 1. Licitum et fas est interdum dispensare, quod monachus seu religiosus de scitu Prælati sui habet res temporales ad usum bonum et necessarium, quando cogit necessitas excusabilis, aut suadet utilitas notabilis. c. 5: To prevent discontent and murmuring, proficuum est,

out to ward off the impending reformation.¹⁰ Not unfrequently the

quod in retroactis temporibus Abbates vel fecerunt conventum consensu tacite, vel expresse in rei veritate, vel saltem gratiōe cum religiosis eis subditis, quod ipsi et eorum quilibet habeant et possideant aliqua pro vietu et vestitu. — Non tamen sic possidentes de scientia, scitu et consensu Abbatis, tales sunt dicendi proprietarii. Quia solum possident ad usum et non ad proprietatem, et possident nomine monasterii, et non nomine proprio. (Then c. 3: Illud in Monacho est proprium, quod celatur Abbat. c. 5: This follows from 12 qu. 1. *Non dicatis.* Nam ibi textus dicit, quod nihil possidere possent sine Abbatis licentia. Ergo Abbatis licentia possunt.) Cap. 6: Et sic quasi in omnibus monasteriis nostri Ordinis sive per statutum, sive per dispensationem, ut prædictum, consuetudo inolevit, etiam dudum pacifice observata et præscripta, propriis Prælati et etiam Dominis Visitatoribus scientibus et consentientibus. Quæ consuetudo non debet leviter tolli, maxime ubi timetur verisimiliter scandalum plurimorum. This work was answered, Magni Monachorum Visitatoris constitutio negativa, quod monachi propria non debeat possidere bona (l. c. p. 130 seq.). So too the Reformatum condemns this work, and shows the evil consequences of a division of property amongst the monks (lib. III. Tit. X. c. 2, in v. d. Hardt I. X. p. 705): Cum abdicatio proprietatis ita monasticae professioni et regulae sit annexa, quod nec summus Pontifex contra eandem valeat dispensare; nihilominus tamen quamplures regulares personæ utriusque sexus, et quasi indifferenter omnes, paucis duntaxat exceptis, salutis sue immemores, interdum ante ingressum religionis et quandoque post, pecunia sibi industriosè congregata vel recepta ab amicis et parentibus, necnon jura, possessiones, redditus, pensiones, portiones, præbendas, animalia, et alia bona emerunt, seu emi fecerunt et procurarunt; proprio et sepe nomine alieno multos contractus tanquam negotiatores exercent; pecunias inde acquisitas, vel alias undecunque provenientes ad libitum propriæ voluntatis expendunt; quamplures quoque hujusmodi pecuniam et alia prædicta contra scitum et voluntatem superiorum suorum occulte vel illicite tenent in suarum pericula animarum. Quorum prætextu et occasione ex tunc vestitum emunt, claustralia loca ad placitum deserunt, mansiones sibi seorsim procurant, victum et potum singularem extra conventionalem locum sibi disponunt, vel in mensa communi in præsenti pauperum fratum aut sororum eadem scandalose consumunt, reliquis fratribus aut sororibus, similia non habentibus, magnam egestatem cum amaritudine animi patientibus. Ex quibus surgunt invidiae, detractiones, rancores, scandala, applausiones, comessationes, inobedientia, incontinentia, aliaeque infinitæ exorbitantiae regularis disciplinæ. Allegantes, se posse hujusmodi abusus detestabiles de licentia et indulto suorum superiorum talibus consentientium, aut talia dissimulantium, lieite exercere.

¹⁰ *Jo. Niderus* (see above, note 7) de reformatione status cenobiticæ (ed. Antwerp. 1611. Svo., contents see in *H. v. d. Hardt Autographa Lutheri et Coætaneorum.* Helmst. 1693. Præf. p. 30 seq.) lib. I. c. 4 seq. answers in 15 chapters quindecim argumenta deformatorum Clericorum et religiosorum, quibus se tenuerunt, ne a forma sæculi recedant. Namely, objiciunt complexionis debilitatem; receptam consuetudinem; Prælatorum peccata; reformationem esse novitatem et singularitatem; esse expectandum cum reformatione usque ad generalem reformationem Ecclesiæ; reformare esse Ordinem dividere, et notam personarum in eo ponere; se jactant vivere ut proceres eorum; objiciunt dispensationem eis datam; dicunt, necessaria in vietu se non habere; objiciunt status nobilitatem vel dignitatem; timent sequi in divino officio personarum paucitatem; conqueruntur, reformationem sequi pacis turbationem; arguunt, sequi lapsum graviores et apostasiam vel hujusmodi; ostendere nituntur, quod ex laxa vita majora sequantur bona quam ex reformatione; objiciunt, modum procedendi in reformatione ineptum. Worthy of remark, lib. II. c. 9, on the question, unde proveniat, quod communiter omnes in Ecclesia clament reformationem debere fieri, et tamen fere nullus, quando reformati incipitur, id ferat. Of the difficulties experienced in reforming the Order of the Camaldulenses, see *Ambrosius*, from 1431 General of the Order, († 1439, Hodöporicon, ed. Florent. 1678. 4to.) description of his visits to the convents, and Epistolarum, lib. XX. in *Martene et Durand* veterum Scriptorum amplissima collectio, T. III. p. 1 seq., compare Meiners Lebensbeschreibungen berühmter Männer aus den Zeiten der Wiederherstellung der Wissenschaft. Th. 2. S. 222 ff.: as regards the Regular Canons and the Benedictines, see *Joh. Busch.*

reform was resisted by open force.¹¹ In very few cases was it adopted

¹¹ At the Reformation of the Benedictine convent of St. Godehard in Hildesheim, John Busch having expelled one of the monks, who would not submit to the measures proposed, the monk's brother sent him a challenge (*Jo. Busch* I. c. 50. in *Leibnit.* II. p. 850: *frater ejus carnalis militaris, in Ducatu habitans Brunswicensi, literam dissidationis sigillatam mihi misit, ad me et fratres meos captivandum, occidendum, bona nostra diripienda, et domos nostras comburendas*), but was compelled by the bishop of Hildesheim and the duke of Brunswick-Lüneburg to recall it. At the convent of St. Michael in Lüneburg, 1470, the monks rung the alarm bell and summoned the citizens to their help, so that duke Otho, and the bishop of Verden, as well as the reforming abbots, had to seek their safety in flight (*Busch* I. c. 53. p. 852). At the convent of Laach, James de Fredis, who had been sent there as Prior with some monks, to introduce a reform, found himself in constant danger of his life (see *Jo. Boutzbach*, from 1499 a monk in this convent, in *Gieseler, Symbolæ ad hist. monast. Lacensis*, p. 25: *in tantum sese irreformatis — opposuit, ut solus ipse, utpote præ cæteris constantior, ipsis magis odiosus habitus fuerit et oneri. Hinc sape conclave illius effringentes, eumque effugantes, evaginatis gladiis de dormitorio per fenestras fugientem persecutunt sunt*), and after six months' stay was forced to flee with his friends to Trier (I. c. p. 24). The elector of Trier had to expel the monks by force, *cum assumpto sibi exercitu* (I. c. p. 27). The nuns were even more troublesome. The Canonesses of Wennigsen told duke William of Brunswick, and the Reformers plainly (*Busch* II. c. 1. p. 858): *nos omnes pariter conclusimus et simul juravimus, quod nolumus nos reformare, nec regulam nostram observare: rogamus, ut non faciatis nos perjurias.* They then began in concert a song of execration: *exeuntibus nobis de choro circa dormitorium, moniales statim omnes extensis brachiis et pedibus in modum crucis ad pavimentum chori super ventres suos se posuerunt, et altissimis vocibus antiphonam: Media vita in morte sumus, per totum exclamaverunt.* Nos autem hujusmodi voces audientes putabamus, responsorum fuisse: *revelabant cali iniquitatem Judæ.* Unde Dux territus totam suam terram metuebat interire. The relatives of the nuns now interceded for them. This proving in vain, the nuns refused to admit the duke, so that it was necessary to force the doors. They were only induced to yield by the threat of being carried away in carriages already provided for the purpose: on the following day, however, they retracted their consent, and the duke, who had already departed, had to return with an armed retinue. One nun was now so much affected, that she statim corruens in terram, sensus suos amisit. This was construed as a miraculous punishment, and made the others more submissive. When getting together their effects, some of them were so infuriated, that they ollas suas tam valide a se proiecserunt, ut pedes earum ad pavimentum confringerent. Busch, on his journey back, was twice attacked by armed men, and narrowly escaped with his life. In the Cistercian convent of Mariense (I. c. c. 3. p. 862 seq.) the nuns also set up a song of malediction: *in choro incipientes antiphonam: Media vita super nos altissimis vocibus decantaverunt, et per Ecclesiam cum tali canto nos prosequentes, etiam candelas de cera ardentes super nos et contra nos in terram projicerunt: et una juvencula, extra Ecclesiam super cimiterium nos secuta, cum cantarent: Sancte Deus, Sancte fortis, sancte et immortalis, etc., trina vice cantando, genibus flexis etiam terram in signum nostra maledictionis ter momordit, et lapides ac terram post nos projicit.* After this they took refuge in a gallery super testudinem chori et Ecclesia satis alte et late concenterunt, and could only be induced to come down by the threat of being sent out of the country. The Prior of Sulta was commissioned to reform the neighbouring convent of Derneburg, but found great difficulty in the undertaking (I. c. c. 13 seq., p. 874 seq.). The nuns gave away their means of support (c. 14), *ut dicere nobis possent, quod non haberent, unde in communi viverent, et ita earum reformatio propter paupertatem impeditur.* Etiam per hoc efficere gestiebant, *ut parentes et cognati earum, qui annuos eis redditus dare consueverunt, jure hereditario aut alias apud se dispositos ante reformationem, quando in propriis vixerunt; post assumtam communem vitam tales eis redditus dare denegarent, communatem nutrire nolentes, qui proprias filias seu nepotes de propriis bonis suis libenter enutriabant.* Busch was attacked by a friend of the nuns with a long knife. In visiting the cells of the nuns, one of them let him go in first, and then shut and fastened the door upon him, so as to keep him

by the monks voluntarily. For the most part it was forcibly carried through by the sovereigns, or the bishops,¹² or was made unavoidable by the poverty into which the excesses of the monks had brought them.¹³ But though the most rigorous measures were sometimes adopted to subdue the obstinate monks,¹⁴ the reformation of the con-

for a long time prisoner. *De cætero nunquam in aliquo Monialium monasterio in aliquam clausuram præcedere volui, ne mihi aliiquid simile ibidem contingere, præsertim unde leviter exire non potui. Sed quando duæ vel tres me præcedebant, tunc eas bene sequebar. Una sola præcedens non mihi sufficiebat, ne cum una sola ad tempus ne recluderent, dicentes super me, quod non cogitassem.* At last, after three years, the nuns succeeded by the help of their relations, in getting as a substitute for Busch, the Cistercian Abbot in Marienrode. He caused most of them to be transferred into other convents, and introduced into theirs the Cistercian rules.

¹² The most zealous advocates of this reform were Otho, the one-eyed, duke of Brunswick-Lüneburg, Albrecht, duke of Austria, and William III., duke of Saxony. See the decrees of the bishop of Halderstadt, and William, duke of Saxony, both dated A. D. 1451, in *Busch* IV. c. 4, 5, p. 959. Comp. *J. G. Reinhard de jure Principum Germaniæ, comprimis Saxoniam circa sacra*, p. 139 seq.

¹³ *Jac. Junterburgii* (see § 135, note 31) de negligentia Prælatorum lib. in *Walchii* monimenta mediæ ævi II. II. p. 109 : *Divitias peperit — religio, — proleque vastata mater, nec proles beata, dum disciplina cessat, regnatque simultas, i. e. hypocrisis, deficit Ecclesiæ virtus pariterque facultas.* Nam aperte videmus, quod monasteria olim in reformatione opulentissima jam adeo depauperantur, quod etiam cum paucō et tenui victu parietes et tecta ædificiorum a ruina conservari non possunt. Et ubi quandam reformationis tempore LXX. aut plures fratres commode nutriebantur regnantiibus nondum proprietariis, octo aut decem vix educari possunt sine penuria. In hoc manum Domini contra proprietariis ad ulciscendum manifeste cernimus armatam. Deficiente nunc causa donationis temporalium bonorum, scil. magna antiquorum patrum devotione et vita sanctitate, propter quam bona collata sunt, deficere et cessare debet effectus in ipsa bona temporalia, ideo non immerito eis modo auferuntur. Also vice versa it was often found, *Buschius* I. c. 52. p. 852 : in monasteriis, ubi ante reformationem vix decem aut duodecim homines de bonis Monasteriū vivere poterant et se nutrire, vidimus post reformatiōne in plus quam quinquaginta aut centum in copia omnium rerum abundantissime se nunc nutritre. Sometimes such expedients as the following were resorted to, see *Bern. Wittii* (a Benedictine in Liesborn, about A. D. 1517) hist. antiquæ occidentalis Saxoniam seu nunc Westphaliæ, Monasterii, 1778. 4to. lib. VIII. p. 558, ad ann. 1460 : Eodem fere tempore in ipsa item Padeburnensi diocesi in monte dicto Halleßberge, in desolata quadam Ecclesie, nescio cui opinione revelationem factam fuisse vulgatum est, quasi s. Jacobus, ejusdem Ecclesiæ patronus, se ibi, prout in Compostella Gallatiæ haec tenus, peregrinis suis patrocinium concessurum spondisset. Curritur certatim ad locum, prodigia et signa ibidem fieri publicatur, multa a peregrinis pecunia defertur. Fuere tamen, qui rem profundius ruminarent ac dicerent, nullum unquam ibidem verum miraculum factum fuisse, illusione diabolica rem procuratam, ut scilicet novam janum assumptam in Corbiensi monasterio reformationem eliminaret. Locus enim Corbiensi monasterio subjectus erat; hoc ipsum autem monasterium jam diu a regulari observatione defecerat, unde aliquando necessariorum defectu reformationem accipere aut loco cedere artati sunt. At Abbas s. Jacobi thesauris ac peregrinorum oblationibus sustentatus arastrum deseruit, ac post tergum vidit, et membratim habentes unde voluptuose viverent, expulsis qui reformationem inducere laborabant, quam ob causam in sanctioris vitæ propositum consensissent, docuerunt. Eliminata autem religione iterum inchoata, paulatim et miracula et peregrinationes solitæ cessaverunt. Corvey was reformed 1486, and joined the congregation of Bursfeld.

¹⁴ Especially by duke Albrecht of Austria, see *Busch* III. c. 22. p. 928, de reformatione per suspendum : A Benedictine abbot being unable to induce his monks to enter upon a reformation, Albrecht ordered them all to be assembled, and asked each of them singly whether they would submit. Those who refused were

vents was far from complete, and the complaints of the corruption of the monks still continued.¹⁵ The reformed convents, therefore, of each order, united themselves into separate congregations, in which a strict supervision was exercised to prevent any relapse.¹⁶ Of these the Bursfeld Congregation of German Benedictines became the most celebrated.¹⁷

ordered to go out: the duke, however, had previously given orders to his servants, ut quemcumque de domo Capituli exire viderent, statim apprehenderent, et funem ad collum ejus ligarent, et in domo ad hoc deputata ad trabes suspenderent. Cap. 24. *Reformatio facta per flagella.* Another abbot, who could not manage his monks, availed himself of the assistance of the same prince to take them, magnisque catenis, manicis et compedibus pedes et manus eorum constringens, ad postes dormitorii eos fecit astringi et affigi. Divinorum autem tempore quando in choro horae cantabantur, libros cantuale sussit eis anteponi, ut ibi horas cantarent canonicas, quas in choro cantare recusabant. Qui ibidem cantare noluit, tam diu, scapulis denudatis, magnis virgis cædebatur, seu etiam vestibus usque ad cingulum dimissis vel ultra, donec pœna urgente carne cuteque laceratus cantare compelleretur. Tempore refectionis fratrum conventionalium fecit similiter. Cibum et potum jussit eis tunc anteponi, et si manducare nollent, fecit eos acerime vapulare, donec cibum attingentes manducarent et biberent, ut jubebantur. Cumque per aliquod tempus die ac nocte ita cantare cogerentur, et suo tempore manducare, horum exactoribus cum virgis recentibus carnes eorum exsultantibus et livore conficienibus; tandem de necessitate fecerunt virtutem, promittentes, sponte et libenter se velle in choro cantare, et in refectorio comedere, ut ab iis plagis possent liberari; regulam quoque suam et tria substantialia libertissime se velle amplius servare, nec de teneritudine, impotentia aut perversitate aliqua amplius facere querelam, sed in cunctis se libenter velle obedire.

¹⁵ Of the corruption of the convents in Switzerland in the 15th century, see Joh. v. Müller u. R. Glutz Blotzheims Geschichten Schweizer Eidgenossenschaft, fortgesetzt von J. J. Hettinger. Bd. 6. Zürich, 1825. S. 254 ff. In France, see *Joannes Raulinus* (Doctor of Theol. in Paris, then a Cluniacensian monk, † 1514) *Oratio de reformatione Cleri ad Capitulum generale*, ed Basil. 1498 (see the extracts in the Auctarium catal. test. veritatis, p. 113). *Guido Juvenalis* (a Benedictine, afterwards Abbot of St. Sulpice in Bourges) *reformationis monasticae vindiciae seu defensio*. Paris, 1503. In Germany, see Geiler v. Kaiserberg's Leben. Lehren u. Predigten, dargestellt von F. W. Ph. v. Ammon. Erlangen, 1826. S. 92. *Wolfgangus Aytinger*, a priest in Augsburg, in the work: *Methodii, Euboici præsulii, suspiria pro reformatione, et quarelæ de corruptione Ecclesiæ*. Basil. 1504. The reformations were often only temporary. See *Valerius Anshelm's* (Stadtarzt in Bern) *Berner Chronik herausgeg. v. Stierlin u. Wyss*, Bd. 1. (Bern 1825). See the ineffectual attempt of the Landgrave, William III., to bring about the reformation of the convents in Hesse, in *Rommel's Gesch. v. Hessen*. Th. 3. Abth. 1. (Cassel. 1827) S. 130 ff.

¹⁶ Thus amongst the Benedictines the *Congr. S. Justinæ*, founded by Lewis Barbo in the convent of St. Justina in Padua, and confirmed by Martin V. 1417. It extended widely in Italy, and from the year 1504, having been joined by the convent of Monte Cassino, was called by that name. *Histoire des ordres monastiques*. (par Hippol. Helyot) à Paris 1714. 4to. T. VI. p. 230 seq.; the *Congreg. of Valladolid*, which originated in the convent of St. Benedict, in Valladolid, l. c. p. 236 seq.; the *Congreg. of Sicily*, formed in 1483, but in 1506 united with that of Monte Cassino, T. V. p. 56 seq. Amongst the Cisterciensians the *Congr. Observantiæ* in Spain, founded by Martin de Vargas, 1425, T. V. p. 382 seq.; the *Congregation of St. Bernhard* in Tuscany and Lombardy, 1497, l. c. p. 388.

¹⁷ See note 5. In 1506, 75 convents belonged to it, the names of which are given in *Trithemius Chron. Spauehimense ad ann. 1429* (Opp. hist. ed. *Freheri*, P. II. p. 351): about 1630, however, the number of monks' convents only was 142, see the *Designatio in Leibnitii Scriptt. Brunsv.* II. p. 972 seq.

In the Mendicant orders also, the discipline had become so relaxed, that a reformation was as much needed as in other orders. Amongst the Franciscans the fratres regularis observantiæ, hitherto objects of so much suspicion, now took a new stand, being formally approved by the Council of Constance, and by degrees distinguished by peculiar privileges.¹⁸ In the convents of the other Mendicant orders, the same difficulties were found in carrying through a reform as elsewhere.¹⁹

¹⁸ See § 110, note 15. In the Bull of Confirmation of Sept. 23, 1416 (v. d. Hardt IV. p. 515 seq.), it was provided that they should be under the superintendence of a Vicarius ministri generalis, to be chosen from their number, and in each province should have a Vicarium ministri provincialis. Afterwards their cause was much advanced by the zeal of Bernardinus Senensis, from 1438 Vicarius generalis for Italy, † 1444, and John Capistranus his successor, † 1456, both eloquent orators and honored as saints. Finally, in 1517, Leo X. committed to them exclusively the choice of the General of the order.

¹⁹ *Jo. Niderus* (see above, note 7) de visionibus ac revelationibus I. c. 7. p. 100: *Scio præterea Ordinem inter mendicantium Ordines* (meaning probably his own order, the Dominicans), cui Deus jam ante decennium providit de duobus bonis et benevolentissimis capitibus, quorum unus generalis Magister est totius sui Ordinis, alius vero provinciam grandem regit. Uterque zelator est reformationis tam validus, ut se pro ea et pro suo grege plus simplici vice, ad resistendum sacerdotalibus, mortis periculo subjacerit. Et tamen uterque modicum profecit in subditis. Paucos enim conventus reformare poterunt, quibus velle adjacebat de omnibus, sed propter inobedientem materiam perficere nequiventur. A prevailing excess amongst the Mendicants, was the unlawful intercourse between the monks and nuns in convents (Conc. Mogunt. ann. 1455, in *Hartzheim* V. p. 439, it was found necessary to condemn the principle, quia sanctimonialis professa, si carnis tentatione et humana fragilitate victa, castitatem servare nollet, minoris culpæ et facilioris venie esset, si cum Religioso quam cum sacerdotali delinqueret), and their resistance to a reform was obstinate in proportion to their privileges. See the account of the Reform of the Franciscans, male and female, in Heilbronn, which was carried through by force in 1465, in C. Jäger's *Mittheilungen zur schwäbischen u. frank. Reformationsgesch.* Stuttgart, 1828. Bd. I. S. 11 ff. Further of the Franciscan convent in Ulm and the Nunnery connected with it, which after having been for fifty years attempted, was at length carried through by force in A. D. 1484, see Schmid and Pfister *Denkwürdigkeiten der Würtemberg. u. schwäbischen Reformationsgeschichte* Heft 2. Tübingen, 1817. S. 12 ff. Of the ineffectual attempts to introduce a reform in Hesse, see the letter of Landgrave William III. to Pope Alexander VI. dd. 16, Febr. 1493 (Beurkundete Nachricht von dem Closter-Hauss Schiffenberg. 2ter Theil. Giessen, 1755. Fol. Beilagen, no. 193.): Consideranti mihi jam dudum, multa præclara monasteria in temporali dominio meo — fundata et dotata jam proh dolor diebus istis tam miserabiliter a regulari vita defecisse, quod ne vestigium ullum pristinæ honestatis et sanctitatis remanserit, imo declinasse ad tam abominabilem et bestialem vitam, quod justius scurrilitatum receptacula quam monasteria et domus orationum nuncuparentur: hæc inquam mihi cum gemitu consideranti, et correctionem talium a Prælatis eorum requirenti Magister provincialis fratrum minorum tandem aliquo modo satisfacere temptavit, monasterium b. Francisci in oppido residentia mœcæ Marpurg in tribus annis quater reformatum. Semper eo recedente novissima pejora prioribus: tandem meliores quique locum deserentes ad Observantes se transtulerunt solis pessimis remanentibus. Quapropter videns me delusum, S. V. prædecessori pro opportuno remedio humiliiter supplicare disposui: tum subito exoritur desiderabilis rumor, advenisse scilicet Dom. Raymundum quendam cum plena potestate reformandi etiam quæcunque monasteria. Aditur, rogatur, consentit et mandat ceteris Prælatis de reformatione quorundam monasteriorum, scil. b. Francisci in Marpurg et de Gronenberg, necnon s. Dominicæ etiam in Marpurg et in Treysa, ac s. Augustini in Alsfeldia, et in Heyne Cisterciensis Ordinis, Maguntinensis diocesis: dicens, se ad hoc sufficiente potestate per apostolica scripta munitum. Quid plura? credulus ego et lætabundus

§ 140.

INFLUENCE OF THE MENDICANTS.

Notwithstanding the corruption of the Mendicant orders, they exercised still the most various and extensive influence,¹ which was all

misi continuo ad Vicarium fratrum minorum de Observantia cum commissione et mandato prædicti Dom. Raymundi, petens, ut monasterium præfatum b. Francisci in Marpurg vellet quantocius reformare. Vicarius vero cum desiderium meum intellexisset, viso mandato ait obsistere sibi adhuc, quod bullæ eidam Pauli II. prædecessoris vestri, quæ Paulini seu bulla concordiae dicitur, non videretur de verbo ad verbum sufficienter derogatum. Quod audiens vehementer dolui, perseverans tamen nisi anno nonagesimo lapsu ad s. Apostolicam sedem, humiliter petens indulsum D. Raymundi approbari, et suppleri defectus bulla data. Sed totius boni inimicus Diabolus per se vel suos affuisse cognoscitur, ut allegatus defectus, qui erat ex parte Paulinæ quoad fratres minores, tortuosi serpentis calliditate retronqueretur ad alia quedam monasteria Regulariarum: sic enim sonat bulla, quod illa possint reformari non obstante Paulina. — Iterum illusus iterum Oratorem, scil. anno 92, ad Curiam misi, et relatum est mihi, quod obtinuerit signaturam. Sed Beatitudinis Vestrae prædecessore de hoc sæculo migrante, similiter et Oratore meo finiente vitam in urbe, rursus pium negotium frustratum est. Quapropter, beatissime pater, perpendat quæso clementer B. V. quotiens et quam diu fraudatus sum a desiderio meo, et quantum perversis et impiis ex hoc factus sum in parabolam et derisum, quasi homo qui cœpit ædificare et non potuit consummare: et dignetur tandem Vestra Apostolica Benignitas mihi et Oratori meo præsenti in tam pio negotio efficaciter assistere, ac per indulti Raymundi de prædictis virorum monasteriis approbationem, et defectus, si qui sint, maxime derogationis Paulinæ ac alias necessarias clausulas de opportune remedio providere: ne suspicari cogar, quod ex industria hucusque illusus sim, et auferatur mihi et meis in antea credulitas et reverentia literarum et nunciorum Apostolicae sedis, compellarque exercere potestatem sæcularis gladii, si spiritualis, quam diu quæsivi, negabitur, quia tam gravem Dei contumeliam, et tam impiam fundatorum defraudationem, qui talibus absque dubio sua bona dare nunquam intenderunt, sed et derisionem meam nequaquam diutius perferam. See Rommels Gesch. v. Hessen. Th. 3. Abth. 1. G. 130 ff. Anmerkungen G. 71 ff. — In Würtemberg great pains were taken by Count Ulrich from A. D. 1476, to persuade the General of the Dominicans to undertake the reformation of the nunneries of the order in his territories. See Sattler Bd. 4. S. 146 ff. In Switzerland, on the other hand, they still continued in the convents their free and undisciplined life, see Müller's Schweizergesch. fortges. von Hottinger. Bd. 6. S. 264. Amongst the Dominicans also, congregations were formed of the reformed convents; thus the Congregation of Aragon, and of Lombardy, see Helyot III. p. 225 seq. — In the Carmelite order John Sorett, General of the order from A. D. 1451, was very active in the cause of reformation, and was rewarded for his zeal by being poisoned, A. D. 1471, see Helyot I. p. 323 seq.

¹ Erasmus Adagiorum Chil. 2. Cent. 8. Adag. 65.: Malorum Mendicantium ubique maxima turba est. Hi sic sese per omne reipublicæ corpus sparserunt, ut nihil usquam agatur sine illis. Regnant in concionibus, quod peculiare munus Episcoporum; tyrannidem occuparunt in scholis, quod huic proximum munus; per hos ministrantur ecclesiastica Sacraenta, per hos sacerdotes sumus; hi plus quam censoria severitate pronunciant de fidei professione: hic Christianus est, hic Semichristianus, hic hæreticus, hic sesquihæreticus; in horum sinus populus effundit ocellus vita actus, et secretissimas animi cogitationes. Nec his contenti sunt; nulla peraguntur Principum foedera, in quibus hi non agant partes. Sine his nullum contrahitur matrimonium; in theatricis certainiis, in publicis sortibus agonothetas agunt: adeo nihil pudet. Denique nec mori licet absque istis. Nulla est aula Principum, in quam non irrepererunt. Si quod impudens facinus destinarunt Principes, per hos exequuntur; si quid moliuntur Romani Pontifices,

directed to the support of the papal power, from which they had received their unbounded privileges,² and the advancement of their several orders. The chief resistance they met with was from the university of Paris. Before they could be admitted to teach there, they were obliged to submit themselves to its authority,³ and every attempt to make themselves independent was met with the same decision,⁴ with which their exaggerated assertions in favor of the papal power and the Mendicant orders were rebuked and punished.⁵ In France the secular clergy were thus in some measure protected from the encroachments of the Mendicant orders;⁶ but in other countries they

quod paulo sit alienius ab apostolica illa et prisca sanctimonia, horum potissimum utuntur ministeriis; veluti si quod bellum, si quis tumultus, si qua exactio, si qua condonatio parum prudens, in hisce fabulis isti primas agunt. Interim simplici popello specie sanctitatis imponitur. Sacerdotes ad hos collati, sacerdotes non sunt. Episcopi horum fiducia in utravis aurem dormiunt. Plebs destituta pro unicis pastoribus gemino luporum genere discipitur, dum et Praesules exercent tyrannidem; nec hi tamen pastores sunt, sed alia ratione praedones.

² To secure the privileges of the Dominicans and Franciscans, Sixtus IV. A. D. 1474, included them all in two Bulls, which were therefore called the Mare magnum of the Franciscans and that of Dominicans. These he enlarged and completed in the so-called Bulla aurea dd. 7. Kal. Aug. 1479.

³ See the instrumentum submissionis, which the Franciscan Petrus de Cheriaco had to sign in the assembly of the theological faculty, A. D. 1428, in *d'Argentré I*, II. 226. He was appointed by his order ad legendum Bibliam: the Faculty consented to receive dictum fratrem Petrum ad legendum Bibliam pro anno presenti, mediante quod submitteret se reparare certas propositiones et articulos aliquos in suis sermonibus et alibi expositos et praedicatoris, et dictas Facultatis in uno rotulo per ipsum tradito contentos, ubi indigerent reparatione, toties quoties, et in quibuscumque locis placeret Facultati theologiae, nec non veniam petere super aliquibus verbis per ipsum minus bene de Facultate artium prolatis in proxima ipsius Facultatis congregacione. Qui quidem F. Petrus se submisit et juravit supra dicta facere toties quoties requereretur ex parte ejusdem Facultatis, et omnia supradicta adimplere.

⁴ The Theological Faculty insisted that the Mendicant monks, who should be appointed as theological lecturers by their superiors, should first have gone through a certain academical course. On the other hand, the four Mendicant orders obtained from Eugenius IV. the Bull *Ad jugem* dd. 3. Kal. Apr. 1442 (in *Bulæ hist. Univ. Paris V.* p. 524) which provided that the monks who should be appointed by their orders ad legendum Bibliam or ad legendum Sententias, ac per Deputatos Facultatis theologicæ ad hoc sufficienes et idonei reperti fuerint, should be admitted to do so soluis juribus ejusdem Facultatis. On this the University at once resolved (l. c. p. 522), quod privarentur omnes tam graduati quam non graduati dictorum IV. Ordinum a consortio Universitatis, et — ab omnibus actibus scholasticis, donec et quoque dicti Mendicantes impetrassent aliam Bullam novam contraria de verbo ad verbum isti Bullæ per eos impetratae a summo Pontifice. The Mendicants had to yield, and take an oath, 10 Dec. 1442, nunquam uti Bulla praedicta, and within a given time to procure its recal. At the same time it was determined by the faculty, quod studentes IV. Ordinum, qui mittentur ad legendum Sententias, stent Parisius ante dictam lecturam per III. annos, videlicet per annum ante lecturam Bibliae, et per annum, in quo legent Bibliam, et per tertium, in quo se disponent ad lecturam Sententiarum, ut sententia ipsorum et mores comprebentur.

⁵ Thus of the papal power, see § 135, note 23. Of their own privileges at the cost of the secular clergy, see § 137, note 2.

⁶ Compare the new controversy of the University with the Mendicants, which began 1456, see *Bulæus V.* p. 601 seq. The Mendicants, namely, came forward in 1456 with a Bull of Nicholas V., who had then been dead a year, similar to that

could offer no resistance to their usurpations; and it was evident that the Mendicants, whilst it was easy for them to prove the corruption of their rivals,⁷ aimed at nothing less than to destroy their influence entirely.⁸ The undecided interference of the popes was wholly in-

of Alexander V. (see § 109, note 3). The University pronounced this Bull scandalosa, turbativa pacis et concordia, subversiva Ordinis hierarchici Ecclesiæ ac subreptitia, and determined to appeal against it: the Mendicants were to be summoned to appear, visuri suas privationes, si dictæ impetratiōni renunciare noluerint, et impetrare revocatoriam ipsius: — requirantur Prælati, quod non admittant Fratres Mendicantes ad prædicandum in suis diœcēsibus, donec renunciaverint, et obtinuerint bujusmodi revocatoriam. The Mendicants having refused to give up the Bull, and procure its repeal, it was decreed, Idcirco ipsa Universitas ex tunc omnes juratos de dictis Mendicantium Ordinibus reputavit et declaravit perjuros et privatos a gremio et consilio ipsius, non juratos autem resecauit a suspectione graduum quorumcunque et acquisitione temporis Parisiis in quaunque Facultate. The Parliament attempted to reconcile the difficulty, but in vain, till in Feb. 1457 (more gall. 1456), the copy of a Bull came to Paris, in which Calixtus III. was said to have repealed the Bull of his predecessor (see *Bulæus V.* p. 612). The Mendicants now submitted (p. 613), and were again admitted as members of the university on the 18th Feb., after they had sworn to the conditions (p. 616), quod amplius non utantur Bulla existente in manibus Rev. D. Episcopi Parisiensis, neque similibus, et maneat dicta Bulla in manibus præfati Episcopi sicut est; et quod unus pro omnibus juratus de Ordine Mendicantium pro sua redintegratione habeat supplicare, et habeant Mendicantes antedicti obedire Bullæ revocatoriae et ratificari [*facere*] per suos Generales infra annum. Item jurabunt, quod nunquam impetrabunt similes Bullas, alioquin ex tunc, prout ex nunc, reincident in similes privationes et penas. Soon afterwards it was found indeed that the supposed Bull had never been issued, for Calixtus III. called on the king in a letter of March 18 (p. 617), to protect the Mendicants, declared his predecessor's Bull genuine, and confirmed it: the Dominicans were forced by command of their General to go back from their promise, and were again excluded from the university: in Dec. 1457, however, they applied again for admittance, and submitted to the conditions (p. 620).

⁷ See for instance the passage of the Augustine eremite *Johannes Schiphowerus de Mepis* in his Chron. Oldenburgenium Archicomitum (written 1505) in *H. Meibomii Rerum german. Scriptt. T. II.* p. 171 ad ann. 1440, where he is praising Count Dieterich as a patron of his order: *Suis temporibus quidam ex pastoribus et capellaniis conspirationem fecerunt contra Mendicantes, limitatores ibidem existentes, impugnantes privilegia apostolica, et præsertim de confessionibus audiendis, ignari et juris canonici imperiti, vix primis literis imbuti, qui vix sine confusione, ut ait Pastor in tractatu de Curatorum miseriis, requiem cantare sciunt, et tamen singulis doctis viris tamquam cornuta bestiae rebellizant, et in sua asineitate perseverantes super omnes se extollunt. Quomodo autem prædicabunt, qui literis operam non dederunt? aut quam in prædicando indoctus sacerdos utilitatem auditoribus suis afferre poterit, qui scripturas nescit? verum temporibus nostris, in quibus est sicut populus, ita et sacerdos, studium scripturarum miserrimi sacerdotes abjiciunt, pro libris scripturarum calices exhausti, et cotidie se inebriant. Viderint Episcopi, qui tales idiotas et inscos ad sacerdotii dignitatem promovent, qui imperitis curam oviūm Christi commendant!* Sedent in insidiis cum potatoribus in tabernis, ludis et comeditionibus vacant, non est timor Dei ante oculos eorum. Nomine sacerdotes sunt, conversatione asini, nihil penitus de scripturis intelligunt, discere conteinnunt, et latina lingua loqui vel scribere nesciunt, vix in vulgari exponere Evangelia didicerunt. Quantos errores, fabulas et hæreses in Ecclesiis prædicando populus enuncient, quis nisi expertus credere posset? Pro libris liberos sibi comparant, pro studio concubinas amant. Tales, quamvis insci, quamvis indocti, quamvis ignari, adhuc contra privilegia apostolica contra viros doctos latrare non erubescunt.

⁸ *Jacobus Carthusianus* (see § 135, note 31) de arte curandi vitia (ex Ms. in v. d. Hardt Autographa Lutheri præf. p. 49): *Licet multi Fratres Mendicantes prædi-*

adequate to quiet such a dispute.⁹ The Mendicants were, it is true, more active in the affairs of the church than any others of the clergy; but their activity was only, too often, devoted to increase the prevailing superstition,¹⁰ and magnify the saint and the privileges of their

cent, et multi multa dicant; cum tamen ab observantia declinaverint, aliud opere et aliud verbis ostendunt. Et hi ut plurimum nimium audace et idiotæ. Inde eorum prædicatio contemibilis redditur, et vertitur maxime profanam in divinationem. Nam eorum primarii, ut manifeste cernitur, non aliud videntur querere, nisi favorem populi, libertatem vitæ, quæstum bonorum exteriorum. Quæ debite considerantes, omnia eorum facta videntur hypocritica deliuimenta. Nimurum parochia destruuntur, Prelati contenuntur, nulla disciplina contradicente. Sed cur non exercetur ipsa, nisi quia quilibet illorum quasi sibi conscius non audet illorum mala facta punire? The complaints of the secular clergy against the Mendicants were, see Reformatorii Constant. decretales Tit. X. c. 12. in v. d. Hardt Conc. Const. I, XII. p. 715: quod superiores dictorum Fratrum non eo modo, sicut deberent, sed in scriptis, ino interdum nomine non expresso, Ordinariis locorum suos terminarios, ut plurimum idiotas, et interdum minus quam presbyteri curati scientes præsentant; præsentati soli, absque socio, per apachias velut vagi transcurrunt, absolutes suas, ultra Cûratorum efficaciores, tanquam apostolica auctoritate concessas, prædicant sæpius: quod in casibus eis non commissis absolvunt, pecunaria etiam pactione præcedente aut interveniente; decedentibus et testari volentibus secretius ingerunt, sibi et non Curatis legari, et apud suos Conventus sepeliri. Quibus omnibus secretius ingestis et practicatis canonicanam ipsis Curatis non exhibent portionem (namely the quarta prescribed by Boniface VIII.,) in dictorum Cûratorum multiplex præjudicium et gravamen.

⁹ Sixtus IV. was induced by the complaints of the German bishops, and especially by the dispute between the secular clergy and the Mendicants in Esslingen, to appoint Commissioners to reconcile the parties; and a compromise having been brought about, he sanctioned it by the Bull Vices illius (in the Extravag. Commun. lib. I. Tit. IX. c. 2.) to this effect: quod ipsi parochiani sacerdotes de cætero non dicant, a Mendicantibus hæreses processisse: cum in veritate fides nostra sit illuminata, et Ecclesia exaltata per eosdem, et præsertim per Ordines Prædicatorum et Minorum, ut jura testantur. Quodque Fratres Mendicantes non prædicent, populos parochianos non teneri audire missam in eorum parochiis diebus festivis et dominicis; cum jure sit cautum, illis diebus parochianos teneri audire missam in eorum parochiali Ecclesia, nisi forsan ex honesta causa ab ipsa Ecclesia se absentarent. Quodque etiam nec Fratres, nec Curati inducunt aliquo modo laicos ad eligendum sepulturam apud eos, et bene caveant propter pœnas, quas imponunt canones, cum sit libera. Quod etiam ipsi Mendicantes desistant prædicare, quod parochiani non sint obligati, saltem in Paschate proprio confiteri sacerdoti. Per hoc tamen ipsi Fratres Mendicantes non censeantur exclusi, quo minus secundum juris communis et privilegiorum eisdem concessorum dispositionem confessiones audire, et pœnitentias injungere valeant. Quod etiam de cætero inter ipsos Fratres Mendicantes et Curatores, quoad effectum prædicandi, horas cantandi, et campanas pulsandi, servetur consuetudo antiqua, quæ temporibus antiquis servata fuit in ipso oppido Eslingensi. Et casu, quo veniat aliqua occasio sive necessitas, non fiat commutatio temporis vel horæ in ipsis prædicationibus fiendis, nisi de consensu partium. Quodque etiam ipsi Fratres in sermonibus eorum non detrahant Prælati et rectoribus parochialium Ecclesiarum, nec etiam populos a suarum Ecclesiarum parochialium frequentia et accessu abstractant, sive retrahant quoquo modo. Et vice versa ipsi rectores et Prælati aliquo modo non detrahant Mendicantibus, sed illum favorem, quem possunt, eis inpendant, et in omnibus et per omnia præstant, ita ut vera unitas et perfecta caritas inter eos ostendatur. It is easy to see from this what were the causes of controversy; but, of course, by such explanations and conditions, it could not be at once and for ever ended.

¹⁰ As for instance in the case of the so-called *brethren of the Rosary*, the first of which fraternities was founded by the Dominican Jac. Sprenger in Cologna 1475 (*Echard Bibl. Præd.* I. p. 881). The Dominicans themselves strove to propagate the notion, which Leo X. adopts in his Bull of absolution to the Fraternity 1520 (see *Eus. Amort* de origine, progressu, valore ac fructu indulgentiarum. I. p. 171)

respective orders.¹¹ Nevertheless they were considered by the popes

quod olim, prout in historiis legitur, a s. Dominico quædam Confraternitas utriusque sexus fidelium, de Rosario b. M. V. nuncupata, ad honorem angelicæ salutationis instituta, et in diversis mundi partibus prædicata fuit sequentibus signis (comp. § 69, note 10). Sed cum ipsa Confraternitas decursu temporis fere neglecta fuisset, et in oblivionem transisset, ac anno 1475 civitas et diœcesis Coloniensis gravibus bellis premeretur, eadem Confraternitas, ut civitas ab eis bellis liberaretur, in Ecclesia domus Prædicatorum Coloniensium innovata et de novo instituta fuit. Against this notion of an earlier origin see *Acta SS. August.* T. I. p. 428 seq. Sixtus IV. gave this Confraternitas de Rosario b. M. V. 1478 the first *absolution* A. D. 1478, in *Amort* I. c. p. 170), and designates it as ad honorem angelicæ salutationis instituta, cuius confratres et consorores tribus diebus ejuslibet hebdomadis orationem dominicalem quindecies, et angelicam salutationem centum et quinquaginta vicibus ad honorem ejusdem b. Mariae Virginis juxta ipsius Confraternitatis instituta dicere consueverunt, quas quidem orationes Rosarium appellant; adding extra civitatem Coloniensem in aliis civitatibus et locis sint quam plures utriusque sexus ejusdem Confraternitatis confratres. This fraternity extended itself so rapidly, that as early as A. D. 1481, a similar one was established in Schleswick, the statutes of which are given in (Roedt's) *Beiträgen zur Erläuterung der Civil-, Kirchen- u. gelehrten historie der Herzogthümer Schleswig u. Holstein*, Bd. 2. (Hamb. 1752. 4to.) S. 31. Innocent VIII. bestowed on them, 1483, *viva vocis oraculo full *absolution* semel in vita, et semel in mortis articulo*, which Leo X. 1520, confirmed, see *Amort* I. c. p. 171.

¹¹ The Council of Basil condemned as late as 1444 the following assertions quæ maxime prædicabantur a Mendicantibus in Taurinensi et Astensi Diœcesibus, (*Patritii summa Concil.* c. 138. in *Hartzheim* Concill. Germ. V. p. 865): Parochianos non teneri de jure dominicis diebus et solemnibus missas in propriis parochialibus Ecclesiis audire, sed ubi pro eorum devotione maluerint, prætermissis suis parochiis: et hanc libertatem non posse eis adimi a synodalibus constitutionibus: quodque Parochiani suis Curatis illis diebus non tenentur ad oblationem faciendam, sed in voluntate dantis sit, qui velit eam dare.—Obnoxium quavis causa faciendi missas celebrari pro vivis et defunctis, non satisfacere debito suo, si per curatum sacerdotem id fieri curet, quoniam ratione curæ ad id sit obligatus. Decimarum solutionem, eti de præcepto sit, non tamen de præcepto esse, cui sit solvenda; liberum igitur esse omnibus cui velint eas solvere, vel in opera pietatis pro arbitrio impendere. Morientes in habitu et professione Ordinis Minorum ultra annum non passuros in penit. purgatorii, quoniam b. Francisco ex divino privilegio quotannis ad purgatorium descendat, professoresque omnes sui Ordinis adducat secum ad cœlum (comp. § 109, note 7). Fratres Mendicantes, etiam non præsentatos Ordinariis, omnium confessiones posse audire; illosque, qui apud eos sint confessi, non obligari, etiam semel in anno confiteri proprio sacerdoti, nec petere confitendi veniam. Episcopos diœcesanos etiam in suis Synodis non posse sibi reservare absoluciones aliquorum criminum præter casus in jure expressos. Thus the Synod of Nitra in Hungary, 1494, passed decrees against the impositions of the Mendicants, *Constitutiones Syn. Nitriensis* c. 30. (in C. Péterffy Conc. Hungariae. P. I. p. 277): Nam siue ad nostrum pervenit auditum, non sine multa temeritatis audacia, et deceptione multiplici animarum indulgentias populo motu proprio de facto concedunt; super votis dispensant; a perjurii, homicidiis et peccatis alii sibi confitentes absolvunt; male ablata incerta, data sibi aliqua pecunia quantitate, remittunt; tertiam et quartam partem de pœnitentiis injunctis relaxant; animas tres, vel plures parentum vel amicorum illorum, qui eleemosynas eis conferunt, de purgatorio, ut asserunt mendaciter, extrahunt et ad gaudia Paradisi perducunt; confratribus et benefactoribus ipsorum remissionem plenariaam peccatorum indulgent; et aliqui ex ipsis eos a pena et culpa, ut eorum verbis utamur, absolvunt. Joh. Busch (see § 139, note 4.) was present at the preaching of a Carmelite from Brabant, (see *Busch de reform. monasteriorum III. c. 16*, in *Leibnitii Script. Brunsv.* II. p. 925), who, at the instigation of the unreformed Franciscans, directed his discourse against Busch as a Reformer, and at the same time maintained, amongst other things; quoties missa per mundum celebratur, toties una anima de purgatorio liberatur, and Mendicantes, Episcopis præsentati a suis superioribus, sunt supra Plebanos.

as their truest servants;¹² and they were so, as long as the interests of their order was the same with his, but no further.¹³

Busch compelled him publicly to retract both assertions. The honor in which the Franciscans held their founders is seen in the propositions advanced by *Johannes Mercator* in Besançon and condemned by the Sorbonne, 1486 (*d'Argentré* collectio judiciorum de novis erroribus I, II. 318: I. Sedes Luciferi erat super choros angelorum et in decimo ordine, quæ erat vacua et modo mirabiliter præparata atque adornata, reservata b. Franciso soli, quia ab ea ejectus fuerat Lucifer propter suam superbiam. Et in hoc seculo nullus fuit inventus habens tantam humilitatem, quantam habuit b. Franciscus. II. B. Franciscus assimilabitur Christo in quadraginta modis seu manieribus. Quodque ipse est secundus Christus et secundus filius Dei. III. B. Francisci conceptio fuit prænunciata ab Angelo. Natus in præsepio inter bovem et asinum. Quem parere aliter, seu alio loco non poterat mater sua. IV. B. Franciscus stigmata suscepit successive, duabus horis semper interpositis, et in susceptione cujuslibet cecidit in terram propter nimium dolorem, quem in suscipiendo suscipiebat, ita ut spiritum emisisse, nisi Christus eum confortasset. V. B. Franciscus in suscipiendo prædicta stigmata tantos dolores sustinuit vel quasi, quantos habuit Christus in passione. VI. B. Franciscus incepit recipere prædicta stigmata a summo mane, et perseveravit in susceptione usque ad horam nonam, qua hora dominus noster Jesus expiravit. VII. B. Franciscus cum clavis retortis ab intus et extra, in ipsis stigmatibus inclusis, dicta stigmata portavit per duos annos. VIII. Christus in propria persona percutiendo sua manu stigmata prædicta infixit. IX. B. Franciscus vulnus seu stigmata lateris sui suscepit, quando Christus latus suum vulneratum in cruce lateri ipsius b. Francisci applicuit. X. In susceptione stigmatum prædictorum petra scissa est, ut in passione Christi, in cuius petra scissura ipse Johannes, qui hoc prædicat, brachium suum immisit. XI. B. Franciscus obtinuit a Deo privilegium, quod anno quolibet descendit ad locum Purgatorii in die solemnitatis sue, et animos quorundam Religiosorum et Religiosarum et omnium de habitu ipsius s. Francisci seu Fratrum Minorum in ipso Purgatorio existentium extrahit, et secum educit in Paradisum, quemadmodum Christus seu ejus anima descendit ad inferna, et tertia die animas patrum secum eduxit. XII. B. Franciscus etiam obtinuit a Deo, quod Religiosi qui non bene servant regulam suam, non possent diu remanere in hoc mundo nec in prædicta Religione; et quod murmurantes aut male loquentes de Religiosis et de Ordine prædicto graviter punirentur in hoc sæculo et in alio. Quod nulli in vita sua revelavit ipse b. Franciscus, nisi s. Leoni confessori suo, qui post ejusdem b. Francisci obitum revelavit. In their pretensions with regard to purgatory, the Franciscans were outdone by the Carmelites. These last had long maintained that whoever died in the Carmelite Scapula was saved (see Div. II. § 69, note 11): they now added to this, that on the next Saturday after their death they were always released by the Virgin Mary from purgatory. In confirmation of this they invented, in the course of the 13th century, a bull of John XXII., the so-called *Bulla Sabbathina*, which is first mentioned by Joannes Palaeonydorus, a Carmelite at Malines, about 1496, see *Jo. Launoji* dissert. de Simonis Stockii viso in his Opp. II. II. p. 406. According to this bull the holy Virgin had appeared to the Pope in the guise of a Carmelite nun, and told him (l. c. p. 404): *Fratres professi dicti Ordinis supplicio solvantur et culpa, et die, quo ipsi sæculo recessunt, ac properato gradu accelerant Purgatorium, ego mater gratiosa descendam Sabbatho post eorum obitum, et quot inveniam in Purgatorio liberabo, et eos in montem sanctum vitæ æternæ reducam.* They pretended also that this bull had been confirmed by Alexander V. 1409 (l. c. p. 423), and the imposture was so successful, that the *Bulla Sabbathina* was really confirmed by Clement VII. 1530 (l. c. p. 440, 446), and Paul V. 1613. *Amort hist. indulgentiarum* I. p. 144 seq., supposes the *Bulla Sabbathina* and the confirmation of Alexander V. to be genuine.

¹² As a specimen of the praises which the Popes were accustomed to lavish on the Mendicants, see the beginning of the so-called *Bulla aurea* (see note 2): *Sacri Prædicatorum et Minorum Fratrum Ordines, instar duorum primorum fluminum a cœlestium voluptatum et amœnitatum Paradiso egredientium, sacrosanctæ Ecclesiæ terram, ne mundanarum cupiditatum et vitiorum calore arescat, præclaræ doctrinæ, virtuosorum operum, ac multiplicium meritorum imbris irrigantes,*

§ 141.

OF THE FREER SPIRITUAL SOCIETIES.

In the beginning of this period the Beghards, and in particular the Fratres vitæ communis (called also Fratres bonæ voluntatis, Fratres collationarii, Clerici devoti, and in some places Fratres Hieronymiani, or Gregoriani), were violently assailed in the Netherlands by Matthew Grabo, Lector of a Dominican convent in Gröningen, who declared the whole institution unlawful and heretical. The brethren being supported, however, by the reformed canons of the Windsheim Chapter, Grabo was accused before the bishop of Utrecht; and on his appealing to the Pope, the matter came before the Council of Constance.¹ Here the most influential voices declared at once in favor of

magis illam in dies fructuosam efficiunt. Hi sunt duo Seraphim, qui in sublimi contemplationis et seraphici amoris alis elevati, a terrenisque rebus abstracti, assidue divinarum laudum clamore, et immensorum beneficiorum humano generi a summo opifice Deo exhibitorum declaratione, ferventissimis prædicationibus populos instruendo, et ad cœlestè iter dirigendo insistentes, multiplicata talenta eis credita, Domino Deo mundæ segetis, animarum scilicet Redemptoris nostri Jesu Christi pretiosi sanguinis effusione redemptarum, copiosos in horrea s. Ecclesiæ manipulos referunt. Hi sunt duæ tubæ, per quas Dominus præcipit ad pabulum sacri Evangelii universum populum assiduis prædicationibus advocari, ut in omnem terram exiret sonus eorum, et redderent sibi populum acceptabilem, et bonorum operum sectatorem.

¹³ Erasmus wrote 1519 to Albert Elector of Mayence (Epist. 477. Opp. ed. Lugd. Bat. T. III. P. I. p. 515): Mundus oneratus est constitutionibus humanis, oneratus est opinionibus et dogmatibus scholasticis, tyrannide Fratrum Mendicantium, qui cum sint satellites Sedis Romanae, tamen eo potentia ac multitudinis evadunt, ut ipsi Romano Pontifici atque ipsis adeo Regibus sint formidabiles. His, cum pro ipsis facit Pontifex, plus quam Deus est: in his, quæ faciunt adversus eorum conmodum, non plus valet quam somnium. In proof of this may be cited the opposition of the Franciscans to John XXII. (see § 110, note 7 seq.), the opposition of the Dominicans to the doctrine of the immaculate conception of the Virgin, notwithstanding the papal decisions in its favor, see § 144, note 14 seq., and the neglect of the Decretals of Boniface VIII. (see § 69, note 3), see notes 8, 9, 10, above.

¹ *Jo. Buschii* (see § 139, note 4) *Chronicon Canonicorum regularium Ord. S. Augustini Capituli Windesemensis* (Accedit Chron. Montis S. Agnetis auct. Thoma a Kempis, una cum vindicis Kempensibus *Heriberti Rosweydi* Soc. Jesu pro libro de initiatione Christi. Antverp. 1621. 8vo.), written 1464. lib. II. c. 58. p. 547: Quidam de Ordine Prædicatorum Frater, Matthæus Grabo nomine, grande volumen ediderat contra devotos Presbyteros, Clericos et Beginas, pariter in communi sine regule alicujus professione viventes. Quem Pastori in Daventria repræsentans adhæsionem expetiit, et ut in ejus transiret sententiam publice contra eos sermocinando, rogavit. He, however, sent the book to the Rector of the convent of the fratres communis vite in Deventer, who sent it to the Prior of the Regular Canons in Nordhorn, by whom the complaint was brought before the bishop of Utrecht. On Grabo's appealing to the Pope, the bishop brought the matter before the Council, with the petition, ut iste audacter Frater Matthæus Grabo digna feriretur animadversione, reprobis in exemplum, testifying at the same time, quod nihil unquam mali, dignum suspicione, contra morem Ecclesiæ, in devotis hujus patriæ sexus utriusque invenit delitescere, sed omnes et singuli vitam veram apostolicam Ecclesiæ primitivæ, ut veri Christiani, ad purum servarent. The contents of Grabo's work may be inferred from the letter sent to the Pope by

the brethren,² and Grabo was condemned and called upon to retract

the person who conducted his defence at the Council of Constance, in *v. d. Hardt Conc. Const. III.* p. 106: *cum lector (M. Grabo) — videret, plures personas sexus utriusque novæ Religionis habitum assumentes, et conventicula facientes, nullum habitum approbatum profitentes, statuentesque sibi ipsis Superiores pro libitu voluntatis, et sub simulata devotione populum attrahentes, et multa contra veritatem sacrae Scripturæ ac sacros Canones attentantes, et de eleemosynis Christifidelium domos sumptuosas ad modum monasteriorum regularium aedificantes, et se invicem in eis inuidentes cum observatione quorundam rituum minime per Ecclesiam approbatorum: cœpit super hoc apud semetipsum ardenter cogitare, et an hoc stantibus regulis fidei et sacris canonibus Ecclesia dissimulare deberet; revolvensque diligenter sacrae scripturæ sanctorumque Doctorum libros et sacros Canones, quasdam conclusiones, reprobantes illorum modum vivendi, extraxit, et scripturæ commendavit. Quarum una principalis est, ex qua alia deducuntur exceptis paucis: *nullus potest licite et meritorie, imo nec veraciter, obedientiæ, paupertatis, et castitatis universalia consilia conjunctim, extra veras Religiones manendo, adimplere.* Namely, ad sacerdotes pertinet tantum particularia vota offerre, ad regulares autem universalia prædicta. Further, the conclusio undecima: *abdicare quemquam omnia propter Christum, extra prædictas religiones manendo, seu nisi veram aliquam Religionem ingrediatur, est sibi et suis, quorum cura sibi incumbit, vitam subtrahere:* quod est, homicidium tot hominum committere quot ejus curæ subduntur. Hæc est de mente *s. Thomæ Secunda Secunda Qu. 33.* Ex quibus sequitur, quod *nullus potest abdicationem omnium propter Christum facere extra veram Religionem manendo sine peccato mortali:* quia subtraheret sibi vitam. — Ex quibus sequitur, quod dicens pertinaciter, *omnia esse meritorie abjicienda propter Christum in sæculo manenti, hæreticus est dicendus.* — Ex quibus sequitur, quod *proprietas temporalium rerum est statui sæculari essentialiter annexa.* Et per consequens *Dominus Papa salva auctoritate sua non potest dispensare cum sæcularibus, ut omnibus in singulari careant, seu nihil in singulari habeant.* — Si enim Dominus Papa posset hoc alicui concedere, — posset ei concedere propriae vita subtractiones, etc. — Sequitur etiam, quod *religiosus sine peccato mortali non potest abdicare voluntatem habendi communia* (compare § 110, note 6 seq.): — quia sine illis vivere non posset, cum per suam professionem renunciaverit omnibus et singulis propriis singularibus. Grabo's assertions are given still more in full in the 25 Articles of the Council which follow. The last of which are: XXI. Excommunicati sunt omnes communem vitam ducentes extra Religionem approbatam. XXII. Quare similiter excommunicati sunt illi, qui vitam communem extra Religionem approbatam ducentibus præbent eleemosynam. Et qui tales fovent consilio et auxilio vel defensione, similiter stant et sunt in statu perpetuæ damnationis. Et nisi de hujusmodi eorum excessibus magna contritione penituerint, ad vitam æternam non possunt pervenire, neque salvi permanere. XXIII. Omnes vitam communem ducentes extra Religionem approbatam sunt illi, a quibus Salvator noster præcipit esse abstinentiam, et tanquam a falsis Prophetis attendendum. XXIV. Quilibet faciens contra jura canonica peccat mortaliter. XXV. Nullus corpore validus absque communii utilitate et necessitate potest extra veras Religiones sine peccato eleemosynas Christifidelium tollere.*

² Namely, Petrus de Alliaco and Jo. Gerson in their opinions of Grabo's propositions, in *v. d. Hardt III.* p. 112 seq. The former remarks ad Act. 4, 32, 34, quod in illa congregatione primitiva fuerunt multi uxorati et alii diversarum conditionum sæculares (all of whom, however, had every thing in common), qui scilicet non erant adstricti per votum ad tria consilia evangelica castitatis, obedientiæ, et paupertatis, quemadmodum sunt professi Religionum per b. Basilium, Benedictum et Augustinum ac similes introductoriarum. Quas iste, ponens hujusmodi conclusiones, appellat veras Religiones, tanquam extra illas non sit vera Religio, quod falsum est, imo hæreticum, si sic per præcisionem intelligatur: quoniam christiana vera est Religio etiam apud sæculares. He pronounces Grabo's tractatus hæreticalis et igni tradendus. To this opinion Gerson subscribed, and was especially vehement in condemning the abuse of the word Religio, see *l. c. p. 116: Propositio III.* Religio Christiana potest absque voto obligante ad consilia perfecte, imo

his errors.³ From this time forward the increase of the order in the Netherlands and in Germany⁴ kept pace with that of the Congrega-

perfectissime, observari. Patet de Christo, qui non legitur vovisse consilia, qui fuit tamen sue legis perfectissimus observator. Patet insuper de Apostolis et discipulis Christianis in primitiva Ecclesia, quorum multi erant uxorati, multi possessiones habuerunt, quidam in communi, quidam in proprio. — Prop. IV. Religio christiana non requirit ad perfectiorem sui observationem tam in praceptis, quam in consiliis, quod superaddatur alia religio. Quales dicuntur observations institutae per sanctos Basilium et Augustinum, etc., et quales Anshelmus vocat religiones factitiae. Prop. V. Religiones hujusmodi factitiae satis inproprie et abusive et forsitan arroganter dicta sunt status perfectionis. Gerson comes to the conclusion, Corollarium III., quod tota doctrina fratris istius innititur stulta et insanæ fantasie, inuo et blasphemie. — Coroll. IV., quod fautores et defensores istius fratris sunt arecendi seu repellendi, et nisi desistere voluerint, graviter puniendi; ita tamen, quod non laxetur nimia licentia ad defensionem Begardorum et Begattarum, si reperiantur effrenes, et discoli, et scandalosi in sacris observationibus.

³ *Jo. Buschii Chron.* Windeshemense lib. II. c. 58. p. 549: The judges appointed by the council to investigate the matter dictum fratrem Grabonem miserunt in carcерem. Et nisi librum suum propter articulos erroneos in eo comprehensos ipse damaret, et se plurimum errasse publice proclamaret, ceteraque similia juxta sua demerita juste sibi injungenda libenter perficeret, de carcere exire nisi ad ignem omnino non posset. Qui pelli sua perfimescens, saniori usus consilio, reum se cognovit, cuncta præmissa et multo majora in publica omnium auditio aperte confessus, librum suum damnavit, vitam et conversationem devotorum Presbyterorum, Clericorum et Beginarum Daventriae, Zwollis et alibi in communi sine professione viventium valde recommendavit, et sic ignem mortemque evadens in pace fuit dimissus. Haec omnia seriatim Patres dictarum congregationum registrata conservant. The form of retraction see in *v. d. Hardt* III. p. 118 seq. On the whole subject see *Mosheim de Beghardis et Beguinabus*, p. 461 seq.

⁴ *Jo. Buschii Chron.* Windeshem. lib. II. c. 15. p. 316: Sicut magister Gerardus Magnus origo fuit et pater primus omnium hominum modernæ devotionis hujus patriæ, ad quem Deo servire cupientes securum semper habuere recursum, et post eum pater venerabilis Dominus Florentius Radewini primus Rector congregationis Clericum in Daventria; ita devotus pater noster, frater Joannes de Huesden, Prior in Windesem (from 1391 — 1424), eorum fidelis factus est successor in cura consulendi, auxiliandi, et defendendi. Ipse enim discreta sua providentia, caritateque latissima omnium corda devotorum benigne ad se trahens, unum ex ipsis se fuisse, et etiam semper mansisse, verbis, rebus, et moribus ubique demonstravit. Qui totum mundum salvare cupiens, plurima servorum et ancillarum Dei habitacula undique in patria multiplicari procuravit: nam et fratres domus suæ, Capitulique generalis ad hoc aptiores in loca diversa transmisit pro novis monasteriis Ordinis nostri erigendis, fundandis et consummandis, antiquisque reformandis et in regulari observantia debite instituendis: patres etiam Congregationum valde sollicitavit, ut Presbyteros, Clericos, et sorores sive Beginas ad hoc utiles vel idoneos ad diversas mundi partes, in civitates, oppida et villas, pro novis congregationibus inchoandis, et in communi vita more suo instituendis, animo pio et volenti [mittere] non tardarent. — Factum est autem, ut plurima Ordinis nostri Monasteria, multaque Clericorum et sororum devotarum Congregationes per totam istam patriam Zallandiam, Westphaliam, Gelriam, Brabantiam, Hollandiam, Zelandiam, Drentheam, Twentheam, Frisiam, Trajectum, et circa patres Rheni in diebus nostris de novo sunt constructa, et etiam ex antiquis plurima reformata. Ex quibus patres, fratres et sorores de tertia regula s. Francisci nuncupati plus quam centum domos sive Congregationes devotas extrahentes, sub uno provinciali Capitulo regulariter vivere, et Deo fideliter deseruire usque hodie comprobantur; et ipsi patres Congregationum devotarum primi, juxta morem Ecclesie primitivæ sub regula Christi caritate pariter in communi secundum Evangelium viventes, habent adhuc hodie domos sexus utriusque unitas numero pene quinquaginta, viorum videlicet pene viginti, et sororum triginta; nosque jam habemus Monasteria Ordinis Canonicorum regularium sexus utriusque Capitulo generali de Windesem

tion of Windsheim. Their numerous societies were equally distinguished for their mysticism and their usefulness.⁵ Some of the brethren were engaged in instruction;⁶ others employed themselves in various kinds of handicraft for their livelihood.⁷ One of their chief objects was always to advance the religious education of the common people,⁸

incorporata plus quam septuaginta, virorum videlicet sexaginta duo, et tredecim sanctimonialium. — Patres ergo devoti in diebus Domini Florentii Radewini pro sui status et devotionis conservatione in Daventria simul ad colloquium consueverant convenire; post ejus transitum ad Congregationem Clericorum in Zwollis — ad colloquium annuale in Dei timore celebrandum omnes pariter convenerunt in *Dominica Misericordias Domini* post Pascha, aut in feris consequentibus, cum Ecclesia generale Capitulum in Windesem celebraret, propter loci convenientiam, et Capituli nostri generalis propinquitatem, et maxime propter Priorem nostrum in Windesem, ad quem finito colloquio cuncti Patres eorum principaliores accedere solebant, ut euneta in ipsorum decreta colloquiis perpetue de ipsius consilio firmarentur. Simili modo Patres Congregationum Westphaliae, Saxoniae, Coloniae *Dominica Jubilate* in Monasteriensem civitatem ad colloquium annuale pariter conveniunt, Priore de Northorn, aut Priore de Bodike ibidem tunc presente. See particular accounts of the separate fraternities in *Verhandeling over de Bröderschap van G. Grote*, en over den invloed der Fraterhuizen op den wetenschappelijken en godsdieentigen Tœstand, voornamelijk van de Nederlanden, na de XIV. Eeuw, door G. H. M. Delprat, Utrecht, 1830. 8vo. p. 36 seq.

⁵ See *Delprat*, p. 193 seq.

⁶ Many of the fraternities opened schools themselves, e. g. in Delft, (*Delprat*, p. 92), in Herzogenbusch (p. 96), in Ghent (p. 106), in Utrecht (p. 127), in Liege (p. 142), and in Cambray (p. 145). The instruction in these places seems sometimes to have been very imperfect, see *Erasmi epist. ad Lamb. Grunnium*, note 13, below. In other places the brethren contented themselves with improving the public schools, furnishing needy scholars with lodgings, board, and books, taking them under their supervision, and giving them opportunities to earn something for themselves. Thus the school in Zwoll, for instance, owed its success, which began under the Rector Joannes Cele († 1417, see *Buschii Chron. Windesem.* lib. II. c. 68. p. 601 seq.) in a great measure to the fraternity established in that place (*Delprat*, p. 63). So too with the schools in Gouda (*Delprat*, p. 109), Gröningen (p. 116), and Harderwyk (p. 119): especially, however, the school in Deventer, so that under the Rector Alexander Hegius (from 1465—1498 concerning whom, see *Herm. Hanielmanni oratio de doctis Westphaliæ viris in his Opp. genealog. ac hist.* I. p. 94 seq. *Delprat*, p. 295) it became famous almost over the world, many of the brethren assisting in the instruction (*Delprat*, p. 54 seq.). In Herford the brethren instructed in the schools of the Pusinnen, see Knefel's *Gesch. des Friedrichsgymnasiums in Herford*. Herford, 1817. S. 9.

⁷ The Congregations or Fraternities consisted of Presbyteri, Clerici, and Laici, whose occupations were of course different. The Presbyteri had the direction of the whole, conducted public worship and the instruction in the schools, the Clerici were young persons who were receiving instruction, for the most part as a preparation for a clerical life, the Laici were the pious laity who pursued their various crafts. The brethren employed themselves especially with copying manuscripts (*Delprat*, p. 314), the fraternity in Hildesheim furnished the reformed convents in the neighbourhood with such books as they required (*Busch de reform. monast.* I. 54, in *Leibnitii Script. Brunsv.* II. p. 855), in the fraternity at Gouda, a printing press was put up soon after the invention of the art, the first in the Netherlands (*Delprat*, p. 111, 313): in the fraternity in Herford, the parchment was prepared by the brethren, they brewed beer, made wafers, etc. Knefel's *Gesch. des Friedrichsgymnasiums in Herford*, S. 9.

⁸ An important means of doing which were their assemblies for public worship on Sundays and festival days, in which extracts from the Scriptures were read and practically explained in the dialect of the country, and sometimes questions addressed to those who were present. The brethren likewise circulated religious

and especially to raise up from them a pious clergy; so that they soon became fruitful nurseries for monks.⁹ This activity and the respect

tracts amongst the people (*Delprat*, p. 213, 261). Specimens of which see in *Delprat*, p. 306 seq. Compare *Jo. Busch Chron. Windesem.* lib. I. c. 47. p. 214: *Quantæ in sæculo sunt personæ sexus utriusque, quæ amicitia his (congregationibus) conjunctæ a sæculi vanitate per eas conversæ, et ad meliora, sanctum videlicet propositum, et bonam voluntatem libenter Deo serviendi, ipsarum exemplo inductæ et provocatæ, quanvis ad omnia evangelica consilia statim arripienda propter multa impedientia nondum dare se valent, vitam attamen sanctam, a peccatis alienam, ad earum informationem student observare, quis enumerabit?* This activity was least acceptable to the Mendicant monks, whence such occurrences as the following, related by *Jo. Busch de reform. Monaster. III. c. 17*, in *Leibnitii Scriptt. Brunsv.* II. p. 925 seq.: *Lector quidam Ordinis Fratrum Prædicatorum in Zutphania publice prædicavit, quod laici libros teutonicæ habere non deberent, et sermones non nisi ad populum in Ecclesia fieri deberent. Ego autem simplex tunc frater in Windesem, in Zutphaniam missus cum fratre pro negotio, hoc audiens et sciens, plus quam centum congregations sororum et Beginarum in terra Trajectensi plures habere libros teutonicæ, et eos quotidie legere singulariter et in refectorio, constanter contradixi.* Busch applied to the Prior of the Dominicans. He at first replied: *Laici quidam altos habent in teutonicæ libros, videlicet Sententiarum et similes, quos quidam Ordinis nostri translatis in teutonicum ex latino, Valens Doctor; alii Missale etiam cum Canone habent in teutonicæ: ergo non valet, quod laici libros legant in teutonicæ.* To this Busch answered: *Hoc non approbo, quod simplices laici, viri vel fœminæ, tam altos et divinos libros habent teutonicæ: imo et Canonem, in teutonicæ apud Moniales inventum, ego combussi. Veruntamen libros morales de vitiis et virtutibus, de incarnatione, vita et passione Christi, de vita et sancta conversatione et martyrio ss. Apostolorum, Martyrum, Confessorum et Virginum; homilias quoque et sermones Sanctorum, ad emendationem vitæ, morum disciplinam, inferni timorem, patriæque cœlestis amorem provocantes, habere et quotidie legere cunctis doctis et indoctis utilissimum est.* Quod si istos admittere non vultis, ego dicta doctorum s. Ecclesiæ, Augustini, Gregorii, Ambrosii et Hieronymi, cæterorumque orthodoxorum in scriptis vobis ostendam, quod hujusmodi habere libros omnino utile est et licitum. Finally, by threatening to carry the matter before the bishop of Utrecht, he compelled the Prior to call on the Lector to retract.

⁹ *Jo. Buschii Chron. Windesemense II. c. 16. p. 321:* *Licet nos Canonici regulares altiorem in Ecclesia militante gradum super patres et fratres Congregationum devotarum obtinere videamus, et in oculis hominum statum gerere digniorem; tamen Pater noster Joannes Huesden (see above, note 4) frequenter nobis valde eos commendavit, dicens, quod ipsi in veris virtutibus, vita sancta, conversatione et moribus in regno Dei nos sæpe præcedunt, quia vere vitam ducent apostolicam, in Ecclesia primitiva sub s. Spiritus regimine ab omnibus Christianis observatam, a mundo jam tunc despactam et parum reputatam.—Commendavit autem eos non solum ex eo quod vitam sanctam et communem, simplicem obedientiam, cordis et corporis castitatem, sub simplici habitu et humili statu, Deo noti, hominibus despici, summa devotione gesti custodire; verum etiam et maxime quia cunctis Ordinibus reformatis, imo toti Ecclesia Dei de bonis religioni ac regimini aptis Clericis et personis quotidie satagunt providere. Frequentantes enim Clericos, et laicos servientes sæpissime ad se accersientes, ad mundi contemptum, emendatoris vitæ propositum, religionis desiderium, morum disciplinam, Dei timorem, gehennæ horrorem, patriæque cœlestis anorem suis sanctis exhortationibus miris modis solent inducere: quos consequenter ad amica familiariaque colloquia invitare, de vitiis extirpandis, virtutibusque acquirendis ac tentationibus resistendis informare, et ad meliora provocare, in Dei timore conservare, humilem habitum facere portare, in confessionibus expedire, et si forent pauperes, hospitia et bona habitacula diligenter procurare, atque continuo ad monasteria transmittendos componere solent et præparare. Cumque in scientiis usque ad sacerdotium, et in sanctis moribus usque ad vitam regularem viderunt eos profecisse, tunc ad loca confugii, ubi animas suas poterunt salvare, videlicet ad monasteria Ordinum diversorum juxta desiderium omnium et singulorum per literas testimoniales eos solent dirigere,*

in which the brethren were held by the people, excited powerfully the envy of the Mendicants, who availed themselves of the name Beghards, which the brethren owned in common with so many others, to persecute them.¹⁰ Eugenius IV. took them under his protection,¹¹ but still not a few of their number were induced, as the only means of peace, to join themselves to the Tertiaries of the Franciscans.¹²

aut propriis in personis ipsis conventibus ad habitandum præsentare. Tali namque modo cuncta Ordinis nostri monasteria jam annis plus quam septuaginta per Patres præfatos in debita observantia noseuntur conservata. — Quemadmodum igitur Patres jam prædicti nostra monasteria per idonearum Deum timentium personarum subministrationem in sancta religione probantur conservare; ita nos vieissim sanctam conversationem eorum et vitam Deo placentem ab hominum iniquorum, maxime Mendicantium non reformatorum perniciosa infestatione omnino defendamus: — qui omnes ex uno fonte initium nostrum primordiale agnoscimur habuisse.

¹⁰ See notes 8, 9. *Jo. Busch de reform. Monaster. III. c. 15*, in *Leibnit. Scriptt. Brunsv. II. p. 923*: Prædicator Ordinis Fratrum Minorum, Dominus German, — Lector et Guardianus in Hanover, publice in ambone prædicavit in Hanover, omnes Beginas fore condemnandas, quæ sine tertia regula s. Francisci pariter habitarent, sive in communi sive in propriis viventes. The Beguines in Hanover had recourse to Buseh, at that time Provost in Sulta; he at once adopted their cause; the Guardian appealed to the constitutions of Clement V. (see § 112, note 1), and was disposed to complain, but was soon compelled to retract.

¹¹ In the bull addressed to all bishops in Germany, Brabant, and Flanders, *Piis votis fidelium dd. IV. Idus Maji 1431* (see *Mosheim de Beghardis et Beguinabus*, p. 668 seq.), in which the bull of Gregory XI. (see § 112, note 5) is first adopted and confirmed; and then amongst other things: *Et quanquam prædicti pauperes (before they are called *dilecti filii de cellis, seu voluntariae paupertatis pauperes*), viri de per se scilicet, et mulieres seorsum, in suis distinctis dominibus absque mutua eorum conversatione commorantes, in paupertate et continentia, in humilitatis spiritu Ecclesias devote frequentent; et Romanæ Ecclesiae ac eorum Ordinarii — in omnibus reverenter obedient; nullisque erroribus seu ritibus, qui salutaribus præceptis et fidei orthodoxæ repugnant, se involvant; sed liberaliter — miserabiles ac alias honestas personas, ad eorum loca declinantes, gratia hospitalitatis recipiunt, ac requisiti infirmorum curam gerunt, decedentium fidelium corpora, etiam tempore furoris pestilentialis in terris, quas habitant, ad sepulturam ecclesiasticam deferendo, ac alia pietatis et caritatis opera exercendo; etiam de his, quæ manibus propriis et mendicatis acquirunt suffragiis, egenis erogando, viventes in communi; adeoque Christifideles populi zelo sinceritatis, favoris et dilectionis ipsos plurimum complectuntur: — verumtamen iidem pauperes, ut fidei digna relatione perceperimus, a quibusdam hæreticæ pravitatis inquisitoribus, ac diversis maxime Religiosis Ordinum mendicantium, ac aliis eorum emulis in ipsorum bono proposito indebitæ et injuste inquietantur et perturbantur; ac prætextu præmissorum, captatis exinde quibusdam occasionibus et fictis coloribus, eis diversa gravamina inferuntur pariter et jacturæ in animarum molestantium periculum, et pauperum hujusmodi læsionem et scandalum. Permission is then given to these societies to live as they had hitherto done; it is forbidden to disturb or molest them; and the Inquisitors and Mendicants are forbidden to exercise any authority over them: ita quod inquisitores fratres et quivis alii nullam inquisitionis, visitationis, jurisdictionis, superioritatis potestatem vel officium in eosdem, eoruunque domos valeant exercere, nec in ipsis excommunicationis seu alias sententias vel penas promulgare. These regulations apply, however, only to the Regular Fraternities: the wandering Beghards are not to be tolerated. The fraternities are empowered to use all the censures of the church against those who shall disturb them. Finally, the bull is not to be understood as confirming statum prædictorum, ut ordinem religionis approbatæ. Another Bull of Eugenius IV. in favor of these fraternities, dd. 15 Dec. 1431, see in *Revisus Daventria illustris*, p. 68 seq.*

¹² According to Jo. Buseh, and also Chron. Windesem. II. 15, see note 4, this was the case with more than 100 Congregations. Others, however, were more

Afterwards the Mendicants became more favorably disposed to this new institution, as they found their own numbers increase through the labors of the Fratres communis vitæ for the instruction of the people. In the North of Germany and in Switzerland, this new fraternity gained no entrance, and here therefore the associations of the Beghards continued to devote themselves to begging, and to be as fruitful as ever in heresies.

§ 142.

NEW ORDERS.

The most remarkable of the new orders established in this period is that of the *Minimorum*.¹ Their founder, Francis of Paula,² a small town in Calabria, after having lived for a short time in an unreformed Franciscan convent, established himself as a hermit in the neighbourhood of his native city, and from 1457 gathered round him a society of those who shared his views.³ The fame of his miraculous power soon extended his society, which was confirmed by Sixtus IV. 1474, under the name of the Eremitæ s. Francisci,⁴ first in Italy, and afterwards in France, where the superstitious Louis XI. had summoned the founder of the order to his aid in his last extremity (1482),⁵ at a later period in Spain. The order, distinguished always from the rest of the Franciscans by the observance of the *vita quadragesimalis*, received afterwards a rule from its founder,⁶ and to distinguish themselves from the fratres minores, and to go one step beyond them,

attached to their freedom. Thus the brethren in Deventer refused the offer of Cardinal Nicholas to change them to Canons, see *Dumbar Analecta*, T. I. p. 173. *Delprat*, p. 191.

¹ *Helyot hist. des ordres religieux*, T. VII. p. 426 seq. *Pragmatische Geschichte der vornehmsten Mönchsorden*. Bd. 9. S. 7 ff.

² His life see in *Acta Sanctorum Apr.* T. I. p. 103 seq. ad d. 2 Apr. The oldest and most credible account by a pupil of the saint in 1502, *ibid.* p. 106 seq.

³ Even his first biographer relates many wonders of him. But still they are not very extraordinary, and the narrator allows himself, that the saint was not always successful in his attempts; see § 57, *Acta SS. l. c. p. 119*: *Hic vero posset interrogare aliquis, cur non ii omnes exauditi sunt, qui ejus opem imploraverunt? In promptu autem responsio est, multos languere corporaliter, ut spiritualiter vivant, etc.*

⁴ By the bull *Sedes Apostolica*, dd. 23 Maji, 1474.

⁵ See the account of the eye-witness *Philippe de Comines Memoires*, l. VI. c. 8.

⁶ The first rule was confirmed by Alexander VI. 1492. Afterwards Francis made some changes, so that there were four different rules; the second confirmed by Alexander VI. 1501; the third, 1502; and the fourth and last by Julius II. dd. V. Kal. Aug. 1506. This last is distinguished into the *Regula fratrum*, *Regula sororum*, and *Reg. Tertiiorum*. In the second and third rules the three vows of monks were accompanied by the *votum vita quadragesimalis*: in the fourth this is prescribed, cap. 6, as follows: *ut singuli hujus Ordinis fratres a cibis carnalibus omnino abstineant, et dignos pœnitentiae fructus in cibo quadragesimali taliter agant, quod ipsi carnes ac omnia sementinam originem a carnis ipsis trahentia penitus vitent. Carnes igitur et pinguedo, ova, butyrum, caseus, et quævis lacticinia ex eisdem congesta et producta, intus et extra, omnibus et singulis, fratribus ipsis et oblatis, sint omnino et irrefragabiliter interdicta.*

assumed the name of *Ordo minimorum fratrum Eremitarum Fratris Francisci de Paula*. Their founder was sainted soon after his death († 1507 in Plessis les Tours);⁷ and they began, as had been done in the case of St. Francis, to find out likenesses in him to Christ,⁸ and after his canonization (1519),⁹ these absurdities were carried still further by his followers.¹⁰

CHAPTER FOURTH.

INTERNAL HISTORY OF THE CHURCH.

§ 143.

HISTORY OF SCHOLASTIC PHILOSOPHY.

The scholastic philosophy had long ceased to create, the various schools contenting themselves with repeating and defending what their founders had taught, and their highest ambition being to surpass each other in the arts of disputation. The Nominalists still maintained the advantage they had gained, notwithstanding that some suspicion of their orthodoxy always rested upon them. In 1473 their doctrines were forbidden by Louis XI.,¹ but as early as

⁷ The Bulla beatificationis by Leo X. dd. Non. Jul. 1513, in the Act. SS. l. c. p. 165.

⁸ Thus it is stated in the processes instituted to procure his canonization, that having been refused a passage to Sicily, he passed over the straits on foot, see Act. SS. l. c. p. 168: *discessit ab eis usque ad balistæ ictum, et orationem fecit et mare benedixit.* Et in illo instanti aspexerunt b. Franciscum solum super undas euntem: et sic per illam partem transfretavit in Siciliam. True, the whole rests on the testimony: (*testis*) apud maritimam terræ Royæ audivit dici: afterwards, however, the account became more and more particular. Then, p. 173, it is related how the saint distributed a few apples amongst a great number of people, *cum unusquisque malum unum cepisset, nihilominus cistula evacuata non fuit, sed plena remansit;* so too, p. 186, how he fed a multitude with a little bread, *et non videbatur deficere nec diminui, sed potius crescere;* p. 182, how he stilled the raging sea, and so saved a ship: *viso navigio cœpit clamare: Jesu, Jesu, signum crucis faciendo.* Unde immediate mare tranquillum factum est, *et tempestas fugata est et cessavit.*

⁹ See Acta SS. l. c. p. 217.

¹⁰ Thus the fiction, that at the birth of the saint hymnodiam personuisse angelicam, sicut Christo nato, first found in a work of *Nicolaus Rovillardus*, Romæ 1623, see Act. SS. l. c. p. 198.

¹ See the royal edict of March 1, 1473, in *Bulæi hist. Univ. Paris.* V. p. 706 seq., see p. 708: *Et ulterius statuimus et edicimus, quod prædicta Aristotelis doctrina ejusque commentatoris Averrois, Alberti M., s. Thomæ de Aquino, Ægidii de Roma, Alexandri de Hales, Scoti, Bonaventuræ aliorumque Realium Doctorum, quorum doctrina, ut dictum est, retroactis temporibus sana securaque comperta est, tam in sacra theologia quam in artium Facultatibus in prædicta Universitate Paris. deinceps more solito legatur, doceatur, dogmatizetur, discatur et intimetur. Alteram autem prædictorum Nominalium — in eadem civitate aut alibi quoquoversum*

1481, he found himself obliged again to permit them,² and thus their triumph was decided. The Nominalists maintained always, it is true, a certain freedom of opinion, as may be seen in the writings of the last distinguished man amongst them, *Gabriel Biel* of Tübingen († 1493);³ but for the most part they were bound down to a barren logic. Amongst the moralists of the time, the most distin-

in regno nostro deinceps palam nec occulte quovismodo nullatenus esse legendam, docendam et dogmatizandam, aut aliquatenus sustinendam expresse decernimus. All the teachers at the university must bind themselves by oath to observe this edict. The contemporary *Robertus Gaguinus*, Ep. 25, tells a friend in Rome (l. e. p. 711): Res autem eo deducta est, ut Nominalibus veluti Elephantiae pruriti pestilentibus edictum sit exilium. Quorum celebriores libri, quos et bibliothecis Pontificum interdicto distrahi nefas erat, ferro et clavis tanquam compedibus, ne introspecentur, vinetos esse jussit Rex Ludovicus. Putares miscellos codices arreptitia quadam phrenesi et daemonico furore, ne visentes impetant, esse ligatos. Sie indomitos leones et belluas vinelis cohimbemus et carcere. A work written in defence of the Nominalists, gives the following account of the origin of this persecution (*d'Argentré* collectio judiciorum de novis erroribus I. II. p. 287): Cujus potissimum tres causa reperiuntur. Prima est laus et gloria eorum, qui huic doctrinæ insundant. Seeunda causa est, quia qui dicuntur Nominales, ita aliquos et maxime Thomistas superant disputando, ut nullo modo eis resistere possint, et ob hoc eos penitus exterminare nituntur. Tertia causa est ex quadam hæresi conficta in Universitate Lovaniæ. Quidam enim Lovaniensis Regens (*Petrus de Rico*, see the history of this controversy, l. e. p. 258) tractatum compositum in quo negabat certitudinem et præsentiam divinam de contingentibus, asserens propositiones de futuro contingentí, etiam contentas in Biblia et a Christo prolatas, non esse veras. Quem tractatum his hæresibus plenun approbavit Lovaniensis Universitas, promotoremque suum Parisius misit sollicitare Facultatem theologiae, quatenus dictum tractatum approbaret. Cui cum multi dietæ Facultatis Doctores, et illi maxime, qui doctrinæ Nominalium exterminationem procurant, faverent; se viriliter objecerunt et opposuerunt illi qui dicuntur Nominales, nullum periculum pro defensione fidei formidantes, impedieruntque, ne theologiae Facultas dictum tractatum approbaret. Quod molestissime illi, qui dicuntur Reales, tulerunt, et usque ad XXIV. se dicto tractatu subscripterunt et illum approbaverunt.

² *Bulaeus* V. p. 739. *d'Argentré* I. II. p. 302. The Provost of Paris writes to the rector of the university: Le Roi m'a charge faire decloner et defermer tous les livres des Nominaux, — et que je vous fissoise sçavoir que chacun y estudiast qui voudroit. The Germans and Picards looked upon this order as a victory of the truth. The Germans proclaimed, quod veritatis et doctrina et via, quæ diu latere non potest, publicaretur; — et clausi in compedibus seu eatenis libri, ut lubet, aperirentur, a Studio sis visitentur, et a Doctoribus dogmatizentur, quicumque etiam Magistri doctrinam, quam lubet, libere doceant.

³ His most remarkable works are an unfinished *Collectorium ex Oceamo* in libb. IV. *Sententiarum* (ed. *Tubingæ*, 2 voll. fol. 1502, and often: sometimes also cited as a *Comm.* in libb. IV. *Sent.* whence these titles are sometimes supposed to belong to two different works) and *Expositio Canonis Missæ* (ed. *Tubing.* 1499, and often). The freedom of his views is seen in his maintaining the supremacy of the church over the Pope, *Expos.* Can. Lect. XXIII. fol. 30. col. 1.; in his defending the decrees of the Council of Basil (Coll. Lib. III. Dist. III. Qu. 1. Art. 2: Sunt impudentes, qui dicere ausi sunt, Basileense Concilium non fuisse legitime congregatum, et ideo constitutiones suas nullas fore, contra acceptationem eorum in concordatis Principiū); in his questioning the possibility of changing the character by the operation of certain sacraments (Coll. lib. IV. Dist. VI. qu. 2. art. 1. conel. 1. Characterem esse ponendum, nec ratio necessaria, nec evidens auctoritas probat: See the whole *Quæst.*); in his declaring *absolution non judicialis* (Coll. lib. II. Dist. XXVII.: Non unquam sacerdos absolvit eum, qui non prius a Deo, summo sacerdote, absolutus est. Unde sacerdos absolvendo confitentem pronunciat eum absolutum, non remittit peccatum). Compare *H. W. Biel* diss. theol. de Gabriele Biel celeberrimo Papista Antipapista, Vitemb. 1719. 4to.

guished is St. Antoninus,⁴ but here too, unfortunately, the fondness for dialectic subtleties quite overbalanced the love of moral truth.⁵ In the course of this period, the scholastic philosophy sank in public estimation, just in proportion as the newly-awakened zeal for the study of antiquity increased.⁶ The contest between the two became more and more unequal, all the most distinguished men turning their attention to this last, till the gloomy halls of the scholastic philosophy became the resort chiefly of the narrow-minded, the ignorant, and the rude, who not only made themselves ridiculous by their ignorance, but despicable by their frivolous and often impious trifling on useless questions of their own suggestion,⁷ as is well, though with some

⁴ Concerning whom see the authorities prefixed to this Division. *Summa theologiae* in 4 Partt. Extract therefrom in *d e Wette's Gesch. d. christl. Sittenlehre*. Zweite Hälfte. S. 179 ff.

⁵ Thus the writer of the preface to *Petri de Alliaco de emendatione Ecclesiæ liber* (s. loco et anno, though probably 1511) perhaps Ulrich v. Hutten says: *Theologia ista scholastica, quæ est ingeniosa cum ad conscientias in nigris aggravandas, tum rursus ad inveniendas excusationes in peccatis multo solertissima.*

⁶ Their ignorance of the Scriptures and the Church Fathers was the most striking. cf. *Erasmus de ratione veræ theologiae*, p. 87: *Quale spectaculum est, theologum octogenarium nihil aliud sapere quam mera sophismata, et ad extremum usque vitæ nihil aliud quam argutari? Nam hujusmodi non paucos olim Lutetiae, quibus si quid depronendum fuisse ex Paulo, videbantur sibi prorsus in alium mundum translati. Ejusd. epist. apologetica ad Mart. Dorpium (Opp. ed. Lugdun. T. IX.): Possem tibi producere, qui annum egressi octogesimum tantum ætatis in scholasticis tricus perdididerint, nec unquam contextum evangelium evolverint, id quod a me compertum ipsi quoque demum confessi sunt. Bilibaldi Pirckheymeri epist. apologetica pro Reuchlino. Nurenberga 1517 (in v. d. Hardt hist. literaria reformationis. P. II. p. 135): Non parum multos invenies, qui absque depravata illa concertatione, ac argutiarum fuligine sanctissimam theologiam consistere minime posse existinant. Hinc est quod vetus testamentum a similibus negligitur, novum quasi idiotis scriptum vilipenditur, Apostolorum doctrina vix lectione digna putatur. Hinc quod divus Hieronymus tamquam grammaticus contemnitur, b. Augustinus etiamnum ignorantiae damnatur, quem diaeculi illi nec argumenta sua, si in vitam reverteret, intellecturum somniant, non propter rudem illam et insignem barbariem, sed quia instantiarn, relationum, ampliationum, restrictionum, formalitatum, haecceitatum, quidditatum, et reliqua id genus portentosa vocabula ignoraret. Quicquid enim syllogismorum spinositate non intorquetur, id penitus a theologica eruditione alienum putant. Robertus Stephanus in the præf. to the Responsio ad censuras theologorum Parisiensium, quibus biblia a se excusa calumniose notarunt, 1532: Ante paucos annos quidam ex Sorbona sic loquebatur: miror quid isti juvenes nobis semper allegent novum testamentum. Per Deum ego plus habebam quam quinquaginta annos, quod nesciebam, quod esset novum testamentum.*

⁷ cf. *Jacobus Carthusianus* (or de Paradiso, see § 135, note 31) de arte curandi vita (ex Ms. in v. d. Hardt Autographa Lutheri præf. p. 48): *Quid theologi nostro tempore student, nisi de potestate Dei, de providentia, de communicatione idiomatum, de natura Angelorum? Et de hujusmodi altis et raris et dubiis disputant in altis cathedris, magnis questionibus et libris se ostentantes. De practica autem emendationis vitæ, et de modo agendi pœnitentiam, de practica caritatis Dei et proximi, de humilitate servanda, ac de zelo animarum, de abusionibus deponendis et confutandis, quæ sunt in Ecclesia Dei adeo magnæ et multæ, ut vix verus ordo vivendi secundum Christianam Religionem possit apparere. Erasmi annot. in 1 Tim. i. 6, says in reference to the useless questions of the Scholastics: Hæc si vel animi laxandi gratia, vel etira contentionem agitantur, ferri poterant. Nunc quibusdam tota ætas in hujusmodi quæstionibus consumitur, et res usque ad clamorem, usque ad vera dissidia, usque ad convitia, nonnumquam usque ad pugnos*

exaggeration, described in the *Epistolis obscurorum virorum*. Thus even before the Reformation, the scholastic philosophy had ceased to have any true life; from that time forward its mere skeleton only was preserved, chiefly in the convents, so that it need no longer engage our attention.

procedit. — Quid autem nunc loquar de quæstiunculis, non solum supervacaneis, sed pene dixerim impiis, quas movemus de potestate Dei, de potestate Romani Pontificis? An Deus possit quodvis malum, etiam odium sui præcipere, et omne bonum prohibere, etiam amore et cultum sui; an possit actu infinitum secundum omnem dimensionem producere; an potuerit hunc mundum etiam ab æterno meliorum facere quam fecit; an possit producere hominem, qui peccare nullo modo queat; an revelare possit alieui suum futurum peccatum, aut damnationem; num possit aliqua distincte intelligere, si ad illa non habeat distinctas relationes rationis; an possit respectum producere sine fundamento et termino; an possit naturam universalem producere et conservare sine singularibus; an possit aliquo prædicamento contineri; an potestatem creandi possit communicare creature; an possit ex facto facere infectum, ac per hoc ex meretrice facere virginem; an quælibet persona divina possit quanilibet naturam assumere, quomodo Verbum humanam assumpsit; — an hæc propositio: Deus est scarabeus, aut eucurbita, tam possibilis sit, quam hæc: Deus est homo; an Deus assumpserit individuum humanum, an speciem; an potius conveniat Deo, non posse facere impossibile, an impossibile non posse fieri a Deo, etc. — Jam vero de Romani Pontificis potestate pene negotiosus disputatur quain de potestate Dei, dum quærimus de duplice illius potestate, et an possit abrogare quod scriptis Apostolicis decretum est; an possit aliquid statuere quod pugnet cum doctrina evangelica; an possit novum articulum condere in fidei symbolo; utrum majorem habeat potestatem quam Petrus, an parem; an possit præcipere Angelis; an possit universum purgatorium quod vocant tollere; utrum simplex homo sit, an quasi Deus; an participet utramque naturam cum Christo; an clementior sit, quam fuerit Christus, cum is non legatur quenquam a purgatoriis pœnis revocasse; an solus omnium non possit errare. Sexcenta id genus disputantur magnis editis voluminibus, idque a magnis theologiis, præsertim professione religionis insignibus. — Et tamen hujusmodi quæstiunculis serio occupantur quorundam theologorum scholæ. His ætas rerum omnium fugacissima conteritur, cum pleraque sint ejus generis, ut doctius nesciantur quam scientur, ut ridicule querantur, temere definiantur. Breve tempus est, et arduum est negotium agere vere Christianum. Quin igitur omissis rebus supervacaneis ea potissimum spectemus, quæ Christus nos scire voluit, quæ prodiderunt Apostoli, quæ proprie ad charitatem faciunt, de corde puro, et conscientia bona, et fide non ficta, quam unam Paulus appellat finem et perfectionem totius legis. Tot jam annis cavillanur in scholis, quibus verbis sit loquendum de Christo. An hæc propositio sit vera: Christus fuit ab æterno, an recte dicatur compositus ex utraque natura, an constare, an conflatus, an commixtus, an conglutinatus, an coagmentatus, an ferruminatus, an copulatus. Nihil horum placet, tantum placet unitus, etc. — Si hæc essent colloquia pomeridiana Christianorum, probarem hujusmodi sermonibus excludi fabulas ineptas. Nunc hæc videntur fidei nostræ præsidia. Quærimus ea, quæ nec scire possumus, nec scire jubemur. Illa negligimus, quæ sola fuerant meditanda. Sunt autem quædam hoc ipsa perniciosa, quod obscuritate sua remorantur ac fatigant ingenium, melioribus alioqui rebus occupandum. — Et in hac theologia tam non simplici vitam omnem consumunt, qui simplicem et apostolicam profitentur. Et qui ipso etiam cognomine summam modestiam profitentur, hujusmodi philosophiæ professione tollunt cristas. — Novi quemdam theologum, qui negabat annos novem sufficere ad intelligendam quæ Scotus scripsit tantum in præfationem Petri Lombardi. Audivi rursus alium, qui prædicabat fieri non posse, ut quis intelligeret unam propositionem in toto Scoto, nisi metaphysicam ipsius universam teneret memoria. Hujusmodi labyrinthis Basilides, Valentinus et Marcion captabant animos simplicium. Denique fingamus hæc esse frugifera, quanta hic occurrit opinionum pugna? Fingamus rursus omnia convenire, quam multa frustra queruntur, quam multa temere definintur? Et prætexunt, has argutias ad revinendos Ethnicos et hæreticos esse necessarias: quum illa nusquam sint usui, nisi

§ 144.

HISTORY OF WORSHIP.

As in every part of the history of the church in this period, so in the history of its public worship, we find the most shameless abuses and impositions accompanied by bold though ineffectual attempts to bring about a reform.¹ Thus, though constant objection was made to the excessive practice of canonization,² the impositions of the priests in pretended miracles and relics exposed,³ and the legends of the saints subjected to a rigorous criticism,⁴ yet the number of saints, of

inter ejusdem scholæ sodales. In a letter from Paris, A. D. 1499, ad Thomam Grejum in Edit. Lugd. Epist. 85. T. III. P. 1. p. 77 seq., *Erasmus* bitterly derides nostræ tempestatis theologastros, amongst whom he lives, quorun cerebellis nihil putidius, lingua nihil barbarius, ingenio nihil stupidius, doctrina nihil spinosius, moribus nihil asperius, vita nihil fucatius, oratione nihil virulentius, pectore nihil nigrus.

¹ *Jacobus Carthusianus* (or de Paradiso, see § 135, note 31) de arte curandi vitia (ex Ms. in v. d. Hardt Autographa Lutheri paf. p. 48): Tot sunt superstitiones, tot malæ, imo pessimæ et scandalosæ consuetudines in Ecclesiis tam sacerdotiū quam religiosorum; ita ut tota fere religio christiana videatur suffocata, velut zizania quædam inimicus homo superseminavit tritico. Ita ut iterum merito Christus posset nostris temporibus replicare, ut olim Iudaïs fecit: propter traditiones vestras prævaricati estis mandata Dei. De his omnibus et plurimis aliis nemo Prælatorum aut theologorum moderno tempore facit mentionem debitam: et si contingat aliquando fieri, hoc tamen sit adeo superficialiter, cum tot excusationibus, ut nullus eis, nec aliis inde sequatur fructus emendationis.

² *Gerson* de probatione spirituum Consid. VIII. Opp. 1. p. 40. Claræ memorie Magister Henricus de Hassia (see § 103, note 1) comprimentam esse tot hominum canonizationem scripsit. *Jo. Bodinus* (the King's procurator in Laon, † 1596) methodus historica, c. 4: Bessarion (Cardinal, † 1472) quum inter divos inepta quadam æra diuersu Romæ quam plurimos referri videret, quorum vitam improbarat, se valde dubitare dixit, utrum vera essent, quæ ab antiquis prodita fuerunt.

³ *Jac. Carthusianus* (see § 135, note 31) de septem Ecclesiæ statibus (in *Walchii* monim. mediæ ævi II. II. p. 60) includes in the reformation which he thinks necessary, ut cum severitate debita coerceantur divinatores, incantatores, arioli, aruspices, somnia observantes, carniibus illicitis insistentes, et benedictionibus superstitionis, necromantieis artibus operam impendentes: altaria aut Ecclesiæ in conventiculis locorum sub specie miraculorum aut sanctorum erigentes propter turpem quæstum. An example in *Wittii* hist. ant. Saxoniæ, see § 139, note 13. — A Bernhardine monk preached in Vienna about 1509 (*Conspectus hist. Univers. Viennensis Sæc. II.* p. 73), quod sacerdotes in Ecclesia non ostendant veras reliquias, sed reliquiarum loca imponant ossa equorum, et sic decipiант homines.

⁴ Thus *Gobelinus Persona* (see works cited before, Div. IV.) Cosmodromium *Ætas VI.* c. 15, in *Meibomii Rerum Germ.* I. p. 201 seq., shows very strikingly that the legend of a St. Catharine, who suffered martyrdom in Alexandria, under Maxentius, must be false. Nicolaus de Cusa, and especially Laurentius Valla, show that the investiture by Constantine was a fiction (see § 20, note 21). *Jac. Wimpfeling* involved himself in a dispute with the Augustines by asserting (*lib. de integritate, 1505*) that Augustine was not a monk, at least was not such an one as they: the Pope, however, put an end to the controversy by enjoining silence on both parties, see *Auctarium catalogi test. veritatis ed. Cattopoli, 1667.* p. 272 seq. *Erhard's Gesch. des Wiederaufblühens wissenschaftlicher Bildung.* Bd. I. S. 448 ff.

shrines,⁵ of holy frauds, and absurd fables increased daily. In particular, the miracle of *bloody hosts*, the purpose of which was to justify the decree of the Council of Constance, prohibiting the communion of the cup to the laity,⁶* was very common, and not unfrequently the work of the most manifest imposture. In the case of the

⁵ *Polydorus Vergilius* (see § 138, note 14) de rerum inventoribus, lib. VI. c. 13, writes, A. D. 1499: Cæterum illud æque adeo desiderari posset, ut sacerdotes frequentius populum docerent, quonam pacto deberet et venerari ejusmodi imagines, et apud eas sua offerre donaria: quod quia illi tacent, et vulgo ex suo usu tacere putantur, idcirco eo insaniam deventum est, ut hæc pietatis pars parum differat ab impietate. Sunt enim bene multi rudiiores, stupidioresque, qui saxæs vel ligneas, marmoreas, æneas, seu in parietibus pictas, variisque coloribus litas imagines colant, nou ut figuræ, sed perinde quasi ipsæ sensum aliquem habeant, et iis magis fidant, quam Christo, vel aliis divis, quibus dicatae sint. Quo fit, ut stultitiam stultitia cumulantes, illis offerant aurum, argentum, annulos geminatos, omnifariásque gemmas ibidem senio perituras, et ut ad id faciendum plures inescerent illi, qui tales segetem metunt, nummos perforent, filoque pendentes in collo aut manibus ipsarum imaginum suspendant, donaria in locis conspicuis egregie collacent, titulosque apponant, quo nomina offerentum et diis et hominibus notiora fiant. Sic bona pars hominum per hæc magis delirare inducitur, ac insuper longa aliquoties itinera conficere, ut unam imagunculam audeat, ibique donaria sua relinquit, prætermisso cuncto alio aut pietatis aut charitatis officio, rata se omnino sat largitionis fecisse, sat pœnituisse, si inter itionem lautijs vicitando aurum obtulisset, in cuiusvis thecam nummariam inde iturum.

⁶ See § 77, notes 10 — 12. Decretum Constantiensis Consilii contra communio-nem sub utraque, et contra Jacobum de Misa in the Sessio XIII. d. 15 June, 1415, in v. d. Hardt Cone. Const. III. p. 646, and IV. p. 333: Cum in nonnullis partibus quidam temerarie assererent præsumant, populum Christianum debere Eucharistiaæ sacramentum sub utraque panis et vini specie suscipere, et non solum sub specie panis, sed etiam sub specie vini populum laicum passim communicent; etiam post cœnam, vel alias non jejunum communicatingandum esse pertinaciter asserant, contra laudabilem Ecclesiæ consuetudinem rationabiliter approbatam, quam tanquam sacrilegam damnabiliter reprobare conantur: hinc est, quod sacrum Constantiense Concilium adversus hunc errorem saluti fidelium providere satagens, matura plurim Doctorum tam divini quam humani juris deliberatione præhabita, declarat, decernit et definit, quod, licet Christus post cœnam instituerit et suis Apostolis ministraverit sub utraque specie panis et vini hoc venerabile sacramentum, tamen hoc non obstante sacrorum canonum auctoritas, laudabilis et approbata consuetudo Ecclesiæ servavit et servat, quod hujusmodi sacramentum non debet confici post cœnam, neque a fidelibus recipi non jejunis, nisi in casu infirmitatis aut alterius necessitatis, a jure et ab Ecclesia concesso et admisso. Et sicut hæc consuetudo ad evitandum pericula aliqua et scandala rationabiliter introducta est, sic potuit simili vel majori ratione introduci et rationabiliter observari, quod, licet in primitiva Ecclesia reciperetur hoc sacramentum a fidelibus sub utraque specie, tamen postea a conscientibus sub utraque specie, et a laicis tantummodo sub specie panis suscipiatur: cum firmissime credendum sit, et nullatenus dubitandum, integrum corpus Christi et sanguinem tam sub specie panis quam sub specie vini veraciter contineri. Unde cum hujusmodi consuetudo ab Ecclesia et sanctis Patribus rationabiliter introducta, et diutissime observata sit, habenda est pro lege, quam non licet reprobare, aut sine Ecclesiæ auctoritate pro libito immutare. Quapropter dicere, quod hanc consuetudinem aut legem observare sit sacrilegum aut illicitum, censeri debet errorcum: et pertinaciter asserentes oppo-situm præmissarum tanquam hæretici arcendi sunt, et graviter puniendi per diecesanos locorum seu officiales eorum, aut inquisitores hæreticæ pravitatis in regnis seu provinciis, in quibus contra hoc decretum aliquid forsan fuerit attentatum aut præsumptum, juxta canonicas et legitimas sanctiones, in favorem catholice fidei contra hæreticos et eorum fautores salubriter adinventas.

* [Probably because the visible appearance of the blood in the consecrated bread was supposed to prove that it was not necessary to take it separately. Tr.]

holy blood in *Wilsnack*, the imposture was openly acknowledged and censured, both by a synod in Magdeburg, 1412,⁷ and afterwards by individuals;⁸ Cardinal Nicholas de Cusa, as papal legate in 1451, forbade all such miracles;⁹ but still in general the popes not only

⁷ Comp. § 116, note 14. *John Huss* first pointed out the imposture in this case, in his work *De omni sanguine Christi glorificato* (Opp. I. p. 198 seq.), which led to the Articuli Ottoni Havelbergensi Episcopo in Magdeburgensi Concilio ann. 1412, propositi (in *Hartzheim* Concil. Germ. V. p. 35): I. In oppido vestro Wilsnack illicita fieri perhibentur in opere, sermone, et fallacibus signis: et primo quidem innumerabilia et incredibilia miracula, et saepe quod mortui resurgent, quorum tamen nemo visus est. II. Licet talia figura sint publica, nunquam tamen audivimus, aliquem vestrorum Clericorum propter hoc esse punitur, ut alii cederet in exemplum; cum tamen scriptum sit, peccantem coram omnibus arguere, ut et ceteri timorem habeant. III. In majorem confirmationem errorum magna miraculorum volumina conscripta sunt, et dietim talia figura conscribuntur, ita quod de Christo, et ejus Apostolis non tot scripta sunt, quam ibidem habentur: et haec magna presumptio est, posteris nostris talia relinquere in scriptis, quasi per prædecessores Prælatos et Doctores sint approbata. IV. Veneratur ibidein populus cruorem, nescimus quem: cum tamen nullus ibidem habeatur, nec aliquid simile cruori. Hoc primo ortum habuit ab illius loci quondam Plebano, cui fides non debuit haberis, ex eo quod per se fassus est in Magdeburg, qualiter egit, testibus fel. mem. Christiano s. theologo. Doctore de Ord. Minorum, et quondam Magistris in theolog. Henrico de Geysmania et Petro Steinbecke. V. Alii cautius loquentes asserunt, non cruorem, sed sacramentum ibidein venerari, contra quos communis nominatio loci militat, quia dicitur *ad sacram sanguinem*, et invocatio talis est: *adjura me sacer sanguis*, vel *sacer sanguis me liberet*. Quando tamen necesse non est, ad illum locum propter sacramentum recurrere, cum ubique in Ecclesiis habeatur. VI. Pro reliquiis ibidein exponitur nescimus quid de cera candelæ, quo fideles consignantur, cum juris sit dispositio, nullas venerari reliquias, nisi a sede Apostolica sint approbatæ. VII. Dicuntur ibidein publicari indulgentiae multæ et magnæ, nec tamen constat, quis easdem dederit. VIII. Clerici ibidein ministrantes divina, leves et multiloqui, absque timore Dei absolvunt in casibus gravibus, nesciuntur cuius auctoritate. IX. Sumptuosum ibi ædificium erigitur, ex quo fama loci confortatur et dilatatur in remotiora, quod non expedit, antequam res examinetur et justificetur. X. Multa insuper ibidein dominatur avaritia: ille pro pecunia visitat peregrinos; ille vendit signa, quibus tamen nullum correspondet signatum; aliis, si petatur pronuntiari aliquod miraculum, petit pecuniam; aliis etiam a pauperibus mendicantibus exigit pecuniam pro cedula, in qua innotescit, talem et talem ex ipsius ibi fuisse; aliis petit ad structuras, aliis ad sacras candelas, etc. Quapropter cum non modicum imputetur Ecclesiæ Magdeburgensi et ejus Pontifici, quicquid ibi committitur erroris, petit sacrum hoc Concilium, super omnibus ac singulis præmissis informari a vobis.

⁸ The Dominican, John Cuno, in Leipsic, and the Franciscan, John Calbe, in Meissen, drew upon themselves much persecution by their interference in this matter; still the credibility of these miracles is manifestly considered doubtful in the decrees of the universities of Leipsic and Erfurth on their cases. The Dominican John Wünschelberg, in Hanburg, in his treatise on false signs and wonders, A. D. 1446, attributes all those in Wilsnack to the avarice of the Pope. They were most vehemently attacked, however, by Heinrich Tacke, Canon in Magdeburg. He at length brought the matter to Rome, and Pope Nicolas V. commanded the bishop of Lubeck to investigate it, who wrote to the bishops of the Mark a warning letter, A. D. 1450. See especially *Matthæi Ludeci*, Decanus of the Cathedral in Havelburg, history of the invention, wonderful effects, and final destruction of the pretended holy blood in Wilsnack, 1586, 4to.; a collection of older writings and documents on the subject (some of them may be found also in *Ludwig Reliqu. MSS.* VIII. p. 286 seq., and 348 seq.). *Lentzen's Stiftshistorie von Havelburg*. Halle. 1750. 4to. S. 43 seq.

⁹ dd. Halberstadt, 5 Jul. 1451 (in *Lentzen's Stiftshistorie von Havelburg*, S. 64 f.): Sane multis probatissimorum virorum relatibus et visibili experientia

tolerated but even encouraged them,¹⁰ and hence they continued to find favor and to be the source of great profit. But this period was most distinguished by the zeal manifested to glorify the Virgin, as the real controller of all events.¹¹ A sanctuary, dedicated to her near Recanati, was in the last half of the 15th century declared to be her habitation, which had been brought thither from Palestine by angels, and is the foundation of the famous shrine of Loretto.¹²

comprobavimus, fideles ad multa loca nostræ legationi subjecta concurrere ad adorandum Christi Dei nostri pretiosum cruentum, quem in nonnullis transformatis hostiis speciem rubedinis habere arbitrantur. Attestantur autem verbis suis, quibus communiter talem rubidinem Christi cruentum nominant, se sic credere et adorare, et quia sacerdotes, qui ob pecuniarum quantum ista non solum fieri permittunt, sed etiam ut sic credant et adorent, per miraculorum publicationem populum alliciunt et sollicitant. Nos igitur, qui rem tam perniciosa et nostra fidei contraria sunt maxima offensa sub silentio pertransire non possumus, cum corpus Christi glorificatum sanguinem glorificatum penitus invisibiliter habere catholica fides nos instruat, ad tollendam omnem occasionem, per quam simplex vulgus taliter seducitur, praesentium tenore, auctoritate, qua fungimur, statuimus et ordinamus, quod, ubique tales hostiæ transformatae reperiuntur, per omnes provincias Alemanniæ nostra legationi subjectas, statim postquam ad notitiam sacerdotum, qui locis illis præfuerint, haec nostra ordinatio perduta fuerit, ab ulteriori publica ostensione transformatarum hostiarum penitus cessent, et nequaquam amplius populo palam miracula publicent, aut signa plumbea ad instar transformatarum hostiarum fieri permittant, sed istas transformatas hostias potius per sacerdotem celebrantem sumi in communione præcipiant, quam sacratissimam Eucharistiam in spirituale refecctionem nobis divino munere datam per specierum corruptionem desinere permittant. Omnem autem locum, in quo post mentionem ab ostensione hostiæ transformatae cessatum non fuerit eo ipso quod ter ipsa prohibita ostensio continuatur, ex nunc prout ex tunc, et ex tunc prout ex nunc strictissimo supponimus interdicto, quousque Archiepiscopus provinciæ loci illius, ubi inhibita ostensio præsumta fuerit, habita certitudine de obediendo huic nostræ ordinationi hujusmodi interdictum duxerit amovendum. Volentes, quod ostensori ipsi post nostram eis insinuatam ordinationem ab omni officio, quousque ab Archiepiscopo absoluti fuerint, suspensi existant. Pariformiter et sub cadem interdicti latæ sententia pena statuimus et mandamus, omnes tales imagines et picturas ab oculis simplicis vulgi amoveri, ad quas propter figuram visibilem in suis adorationibus vulgus ipsum specialius recurrit, et per publicum concursum in figura ipsa se salutem querere, verbo aut signo ostendit. Still it may be seen how little this prohibition was heeded in Wilsnack by the summons of the archbishop Friedrich of Magdeburg (see Lentzen, S. 65), to the clergy of Wilsnack to answer for their conduct at a later date, shows how little this prohibition was regarded. Equally ineffectual was the preaching of John Capistranus, and the Augustine monk, Joh. Dorsten in Erfurth, see Consultatio de concursu ad Wilsnack (1472 — 1475).

¹⁰ Thus Eugenius IV. bestowed many years' absolution on the pilgrims to Wilsnack, dd. VI. Non. Jan. 1446, see *Raynald.* ann. 1447, no. 9, and ordered for the preservation of the bloody hosts that a consecrated host should be laid between them (*ibid.* no. 10) : and Nicolas V. dd. IV. Id. Sept. 1447, repeated these decrees (*Ludewig Reliquæ Manuscriptorum VIII.* p. 366). As late as A. D. 1500, four Cardinals granted absolution for this pilgrimage.

¹¹ See especially *Bernardinus de Bustis*, an Italian Franciscan, † after 1500, *Mariale* (Mediolani 1494. 4to. and often) a series of discourses in honor of the Virgin. As a specimen we cite Part. XII. Sermo II. P. I.: A tempore quo virgo Maria concepit in utero verbum Dei, quandam ut sic dicam jurisdictionem seu auctoritatem obtinuit in omni Spiritus Sancti processione temporali, ita ut nulla creatura aliquam a Deo obtineat gratiam vel virtutem, nisi secundum ipsius piæ matris dispensationem.

¹² The first writer who notices this Sanctuary is *Flavius Blondus*, secretary of Eugenius IV., and the following Popes till Pius II. † 1463, in his *Italia illustrata*,

The Ave Maria became the favorite prayer.¹³ The doctrine of the immaculate conception of the Virgin, which had always been maintained by the Franciscans, was more and more triumphant,¹⁴ whilst

in Piceno, p. 339: Recanatum inter et Adriaticum mare, paululum a Musione recedit celeberrimum totius Italiæ, ut in aperto immunitoque vico, sacellum gloriose Virginis Mariæ in Laureto appellatum. Quo loco preces supplicantium a Deo genitricis suæ intercessione exaudiri, illud maximum certissimumque est argumentum, quod eorum, qui votis emissis exauditi fuerunt, ex auro, argento, cera, pannis, veste linea laneaque appensa donaria, magno luenda pretio, basilicamque omnem pene complentia, Episcopus in Dei Virginisque gloriam intacta conservat. From this we may infer that the wonderful removal was either wholly unknown, or only known as a popular tradition. The first writer who mentions the account of this wonderful removal, which is now found at the sanctuary itself, is *Baptista Mantuanus* (see § 138, note 7) *Redemptoris mundi Matris Ecclesiae Lauretanæ historia* (in ejusd. Opp. omn. Antverp. 1576. Svo. T. IV. p. 216 seq.). According to this account, which is the oldest authority, this house was removed by angels to Tersato in Dalmatia, in A. D. 1291, and in 1294 was moved again to the neighbourhood of Recanati, and there its position twice changed. Teremannus, who gives this account, refers to the authority of two citizens of Recanati, one of whom affirmed, quod avus avi ejus videt, quando Angeli prædictam Ecclesiam per mare, etc. The account was undoubtedly written between 1450 and 1480, and was the means of spreading the story. It was first attacked by *Petr. Paul. Vergerius de idolo Lauretano*, ital. scrispit, Ludovicus ejus nepos vertit ann. 1556, in the Primus tomus operum Vergerii adv. Papatam, Tubing. 1563. 4to. p. 301. It was defended by the Jesuits Petr. Turrianus, Petr. Canisius, and Horat. Tursellinus, especially by the last in the Lauretana historia, Mogunt. 1599. Svo. *Baroniūs* also, ann. 9, no. 1, undertakes to defend it, and is rebuked therefor by *Is. Casaubonus Exercit.* VII., and about the same time *Matthias Berneggerus*, Professor in Strasburg, Hypobolimæa divæ Mariæ deipara camera, s. Idolum Lauretanum. Argentor. 1619. 4to., refuted triumphantly all defenders of the fiction.

¹³ The Vesper prayer for which absolution had before been granted (see § 117, note 3) was now made of still more importance as a means of resisting the Turks, A. D. 1456 (*Antanini Summa hist. P. III. Tit. 22. c. 14. init.*): ubique terrarum fidelium singulis diebus inter Nonas et Vespertas pulsari in omnibus Ecclesiis ad Ave Maria ter, in qua pulsatione quicunque diceret genibus flexis ter Ave Maria et Pater noster, conqueretur indulgentiam trium annorum et trium quadragesarum. The importance of the Ave Maria was magnified chiefly by the Dominicans and their fraternities of the Rosary (see § 140, note 10): *Sixtus IV. 1479*, granted a new indulgence for the Psalterium b. M. V. (see *Amort de indulgentiis I. p. 170*): Nobis fuit propositum, quod in ducatu Britanniae et pluribus aliis locis ab aliquo tempore certus modus sive ritus orandi pius et devotus, qui etiam antiquis temporibus in diversis mundi partibus observabatur, videlicet quod quilibet dicit quilibet die ad honorem b. V. et contra imminentia mundi pericula toties angelicam salutationem, quot sunt Psalmi: et iste ritus Psalterium b. V. vulgariter nuncupatur. Nos hujusmodi modum orandi approbamus, et universis præfato modo orare volentibus pro quilibet vice, qui sicut præmittitur oraverint, pro quilibet quinquagena præfati Psalterii quinque annos et totidem quadragesas indulgentiarum relaxamus. After the example of the celebrated Dominican, *Vincentius Ferrearius* († 1419, see § 120, note 10) the salutation of the angels was made the beginning of Sermons, see *Dom. Marci hierolexicon* (Romæ 1677. fol.) v. *Salutatio angelica*.

¹⁴ A general view of the disturbances on this subject in *Wadding legatio Philippi III. et IV. ad Paulum P. V. et Gregorium XV. de definienda controversia immaculatae conceptionis b. V. M. Lovan. 1624. fol. p. 377 seq.* The most distinguished opponent of the doctrine is the Dominican *Vincentius Bandellus*, Prof. of Theology in Bologna, † 1506, in the works lib. de veritate conceptionis gloriose Virginis Mariæ, 1475, and tract. de singulari puritate et prærogativa conceptionis salvatoris nostri J. Chr. 1481, see the extracts in *Wadding*, p. 133 seq. Amongst its defenders *Bernardinus de Bustis* (see note 10) stands first: The first part of his

the Dominicans on their part strove to show their reverence for Mary by their numerous *fraternities of the Rosary*.¹⁵ True, the decree of the Council of Basil in favor of the immaculate conception could not afterwards be made the law of the church,¹⁶ and even the Franciscan Pope, Sixtus IV., did not venture openly to oppose the powerful Dominicans on this point;¹⁷ but the doctrine was decidedly upheld by the

Mariale consists of 8 Sermones de conceptione Mariae, then follows the Officium immaculatae conceptionis gloriose V. M., which was confirmed by Sixtus IV.

¹⁵ See above, § 140, note 10.

¹⁶ Conc. Basil. Sess. XXXVI. d. XV. Kal. Oct. 1439, therefore during the Controversy of the Council with the Pope (see *Mansi* XXIX. p. 183): *Haec tenus difficultus questio in diversis partibus et coram hac sancta Synodo super conceptione ipsius gloriose virginis Mariae matris Dei, et exordio sanctificationis ejus facta est: quibusdam dicentibus, ipsam virginem et ejus animam per aliquod tempus aut instantis temporis subjacuisse actualiter originali culpa; aliis autem e converso dicentibus, a principio creationis sue Deum ipsam diligendo gratiam eidem contulisse, per quam a macula originali illam beatissimam personam liberans et præser-
vans, sublimiori sanctificationis genere redemit, cum fundaret eam altissimum ipse, et ipsam fabricaret Filius Dei Patris, ut esset mater ejus in terris. Nos vero, diligenter inspectis auctoritatibus et rationibus, quæ jam a pluribus annis in publicis rationibus, ex parte utriusque doctrinæ coram hac sancta Synodo allegata sunt, aliisque etiam plurimis super hac re visis, et matura consideratione pensatis, doctrinam illam disserente, gloriosam virginem Dei genitricem Mariam præveniente et operante divini numinis gratia singulari nunquam actualiter subjacuisse originali peccato, sed immunem semper fuisse ab omni originali et actuali culpa, sanctamque et immaculatam, tanquam piam et consonam cultui ecclesiastico, fidei catholicæ, rectæ rationi, et sacre Scripturæ ab omnibus catholice approbadam fore, tenendam et annectendam diffinimus et declaramus, nullique de cetero licitum esse in contrarium prædicare seu docere. Renovantes præterea institutionem de celebranda sancta ejus Conceptione, quæ tam per Romanam, quam per alias Ecclesias sexto Idus Decembribus antiqua et laudabili consuetudine celebratur, statuimus et ordinamus eandem celebritatem præfata die in omnibus Ecclesiis, Monasteriis, et conventibus Christianæ religionis, sub nomine Conceptionis festivis laudibus colendam esse, cunctisque fidelibus vere penitentibus et confessis, ea die Missarum solemnis centum, primis autem vel secundis vesperris totidem, sermoni vero verbi divini de ea festivitate intercessentibus centum quinquaginta dies, concessione perpetuis temporibus duratura, de injunctis sibi penitentiis hæc sancta Synodus elargitur.*

¹⁷ In a Bull A. D. 1477 (*Extravag. Comun.* lib. III. tit. XII. c. 1.) he recommends the festival of the *Concepcione immaculatae virginis* (which he does not however venture to call *Concepcione immaculata virginis*), by bestowing on all who shall take part in it, the *absolution of Corpus-Christi day*. The second Bull A. D. 1483 (l. c. c. 2) is directed first against the diversorum ordinum predicatorum (evading the direct mention of the Dominicans), who in suis sermonibus ad populum publice per diversas civitates et terras adfirmare hactenus non erubuerunt, et quotidie prædicare non cessant, omnes illos, qui tenent aut adserunt, eandem gloriosam et immaculatam Dei genitricem absque originalis peccati macula fuisse conceptam, mortaliter peccare, vel esse hereticos; ejusdem immaculatae conceptionis officium celebrantes, audientesque sermones illorum, qui eam sine hujusmodi macula conceptam esse adfirmant, peccare graviter. Sed et præfatis prædicationibus non contenti, confectos super his suis adscriptionibus libros in publicum ediderunt (meaning the writings of *Vincentius Bandellus*, see above note 13), ex quorun adscriptionibus et prædicationibus non levia scandala in mentibus fideliuum exorta sunt, et majora merito exoriri formidantur in dies. All these notions and these works are condemned and forbidden under penalty of excommunication. The same punishment however is decreed for those, qui ausi fuerint adserere, contraria opinionem tenentes, videlicet gloriosam virginem Mariam cum originali peccato fuisse conceptam, hæresis crimen vel peccatum incurtere mortale, cum nondum sit a Rom. Ecclesia et Apostolica sede decisum.

universities,¹⁸ who even went so far, after the example of the university of Paris, 1497, as to bind their members by an oath to maintain it ;¹⁹

¹⁸ That the more moderate party inclined to this opinion is seen in *Gabr. Biel.* (§ 143, note 3) *Collectorium lib. III. Dist. III. Qu. 1. Art. 2: Auctoritas Ecclesiae major est auctoritate cuiuscunq; Sancti, saltim post canonicos scriptores: nam Ecclesia statuit festum Conceptionis generaliter per universum celebrandum: ergo ejus conceptio fuit sancta et per consequens peccato immaculata, ergo sine originali.*

— Nec propter hoc culpandus est divus Bernhardus, sed nec s. Thomas, s. Bonaventura, cæterique Doctores cum magno moderamine oppositum opinantes, quoniam eorum tempore hoc lieuit, quoniam nulla determinatio vel Apostolicæ sedis facta fuit. Nec festivitas illa generaliter tunc fuit per orbem celebrata. Quæ si præcessissent, haud dubium, quin promptissime suæ opinioni cessissent.

¹⁹ The occasion of this measure at Paris is related by *Trithemius Chron. Hirsaug.* ad ann. 1497, T. II. p. 568: Eodem anno in festo purissimæ Conceptionis beatissimæ Mariæ semper Virginis (or rather as is seen from the Acts in *d'Argentré I*, II. p. 336 seq. on this same festival, 8 Dec. 1496)—quidam Frater Ordinis s. Dominici, theologus Parisiensis, verbum salutis dicturus ad populum in Dieppe oppido Rothomagensis Diœcesis, amplio inter alia boatu clamabat, eandem castissimam Dei genitricem non fuisse præservatam ab originali peccato, sed post contractum mox purgatam et mundatam a Deo. Erat ei nomen, qui hoc dixit, Frater *Johannis Veri (le Ver)*. Ex hac temeraria positione magnum in populo Dei scandalum fuit secutum, propterea quod s. Romana Ecclesia, Cardinales quoque, Archiepiscopi et Episcopi, pene omnes Doctores Parisienses, Colonienses, Lovanienses cum aliis multis, simul et Claustralium regularium Professores cuncti cum toto populo christiano præter paucos Fratres Ordinis memorati, sentiunt, credunt, docent et prædicant, beatissimam Dei genitricem peccato nunquam subjcuisse originali, sed præservatam et immunem semper ab omni macula delicti tam originalis quam actualis in æternum. Trithemius then informs us that Jo. Verus was forced by the Sorbonne to retract on the 16th Sept. 1497 (p. 570), and that this led to the institution of the oath above mentioned on the 17th Sept. According to the Acta in *d'Argentré I*, II. p. 333 seq. this is not quite correct. Jo. Verus (see p. 337) refused at first to submit to the sentence of the Sorbonne and appealed to the Pope. For this he was sentenced to imprisonment by the civil tribunal, and appealed to Parliament, but procured his release at length by retracting on the 18 Sept. 1497. The theological faculty had, however, already resolved on the oath in an assembly of March 3, 1496 (i. e. more gall. also 1497) (l. c. p. 333): Cum proximo sæculo quæstio de puritate conceptionis felicissimæ Dei et Domini nostri Jesu Christi genitricis Mariæ solito frequentius agitari cœpisset, Spiritu Sancto scilicet ejus rei veritatem aliquando propalar volente, diligentius utriusque partis libratis rationibus primum (Majores nostri) pro tempore suum prudentissime suspenderunt judicium. Denum ira eam partem inclinationes, quæ Virginis gloriæ et puritatæ astipulari videbatur, ita—vanissimam temeritatem—confutaverunt, — ut contrarian questionis partem, quæ Virginem, dum conciperetur, speciali Dei munere ab originali macula fuisse immune affirmat, et pietati, fidei et rectæ rationi et scripturis divinis valde quadrantem decernerent. Quæ sententia paucos post annos ita sacro Basileensi plenario Concilio—Spiritu Sancto inspirante placuit, ut eam tandem doctrinam—tenendam diffinierit. — Quod sanctum Synodi decretum cum omnium Ecclesiarum, tum etiam totius populi Christiani iudicio, consensu ac religione comprobatum confirmatumque videamus, non possumus quorundam vanam, superbam, temerariam insanamque obstinationem non admirari, — qui hoc nostro adhuc tempore ejusmodi piam et religiosam doctrinam, universalis Synodi et Ecclesiæ, quæ juxta Christi promissionem errare non potest, iudicio auctoritateque probatam aut oppugnare, aut in dubitationem revocare non verentur, implacabilem impiissimumque bellum adversus piissimam Dei genitricis eximiam dignitatem gerentes. Quorum furori ut alacrius fortiusque occurramus atque resistamus pro nostra professione, ordine et gradu, Majorum nostrorum vestigia sequentes, universi tertio congregati post multam, graveam et naturam deliberationem in ejus piissimam doctrinam, quæ benedictissimam Dei Matrem ab originali peccato Dei singulari dono fuisse præservatam affirmat, quamque jam pridem veram credidimus et credimus, defensionem ac propugnationem speciali sacramento conjuravimus nosque devovimus. Statuentes, ut nemo deinceps sacro huic nostro

and the burning of four Dominicans in Berne for their impostures, the object of which was to put down this doctrine (1509), seemed to establish its triumph.²⁰

§ 145.

STATE OF RELIGION AMONGST THE PEOPLE AT LARGE.

The religion of the people was made to consist entirely in obedience to the church. An unhesitating willingness to submit to the creed and commands of the church, in all cases whatsoever, passed for true piety; and as every effort to advance the real spiritual good of the individual was of course regarded with suspicion by the hierarchy, very little was done for the religious instruction and excitement of the community. Most of the clergy could not even preach:¹

Collegio adseribatur, nisi se hujus religiosæ doctrinæ assertorem strenuumque pro-pugnatorem semper pro viribus futurum simili juramento profiteatur. Quod si quis ex nostris, quod absit, ad hostes Virginis transfuga, contrariæ assertionis — patrocinium quacunque ratione suspicere ausus fuerit, hunc honoribus nostris omnibus privatum atque exauktoratum a nobis et consortio nostro, velut Ethnicum et Publicanum, procul abjiciendum decernimus. Then follows a call on the bishops and clergy to adopt this doctrine. The oath was taken in their other congregations by 112 Doctors of Theology (p. 334). The example of the Sorbonne was followed by the theological faculty in Cologne (Chron. Hirsaug. II. p. 574), and 1501 in Mayence (l. c. p. 582).

²⁰ Contemporary accounts are: *De quatuor hæresiarchis Ord. Prædicatorum de Observantia nuncupatorum apud Switenses in civitate Bernensi combustis anno Christi 1509. 4to.* (reprinted in *Hottinger hist. eccl. N. T. Sæc. XVI. seu Pars V. p. 334 seq.*) and *Valerius Anshelm's Berner Chronik, Bd. 3. S. 371 ff. Bd. 4. S. 1 ff.* Compare the Berner Gespenstergeschichte in *Rauschenick's Denkwürdigkeiten aus der Geschichte der Vorzeit.* Bd. I. Marburg, 1822. The original occasion of this imposture was the ill success of the Dominican Wigand Wirth in Frankfurt. This man had attacked John de Tritenheim, in an anonymous work, 1494, for having maintained the immaculate conception in his work *De laudibus s. Annæ*, c. 7, but had only thereby brought out a number of works in defence of the doctrine, and had finally been compelled to retract. At Rome also, the endeavours of the Dominicans to procure the condemnation of Trithemius had been unsuccessful (see *Trithemii Chron. Spanheimense in ejusd. Opp. hist. ed. Marqu. Freherus. P. II. p. 405 seq.*). Afterwards Wigand engaged in a controversy with a priest in Frankfurt on the same subject. He was condemned by a papal commissary appointed at the instance of the Dominicans, and drew upon himself a new accusation in Rome by an abusive work on the subject. The Dominicans then held a chapter in Wimpfen in 1506, at which some of the leaders planned privately certain miracles to support their own doctrine, which was carried into effect by the means of a poor, bigoted tailor in a convent in Berne, A. D. 1507. The Prior, Subprior, Lector, and Procurator combined to play off on him pretended visions of St. Barbara, the holy Virgin, St. Cecilia, and St. Catharine of Siena. They stamped on him the holy 5 wounds, colored hosts with blood, made an image of the Virgin weep before him, &c.: the purpose of all which was to make him the organ of revelations against the doctrine of the immaculate conception. At length he discovered the imposture, and they were about to poison him, when he escaped from the convent, and informed against them.

¹ Thus in the *Neerologium* of St. Gallen it is remarked of a monk Bernhard, 1499: *Nota, quod Bernardus iste fuit tam magna scientia, ut per aliquos annos predicatorum habuerit, see Arx Gesch. v. St. Gallen. Th. 2. S. 473.* Compare *Trithem. institutio vitæ sacerd. c. 1 and 4. above, § 138, note 1.*

those who did, for the most part Mendicant monks, usually entertained their bearers with absurd fables, the object of which was to magnify the importance of their various relics,² or made an exhibition of their barren scholastic learning,³ as may be seen in the sermons

² *Jacobus Carthusianus de arte curandi vitia* (see § 140, note 8). *Trithemius*, l. c. c. 4. *Henr. Bebelius* (see § 138, note 7) de falsa etymologia propriorum nominum conficta per auctorem legendæ aureæ (see Div. II. § 78, note 4) in the Collection Commentaria epistoliarum confidicularum Henrici Bebelii, etc. Phorcæ 1510. 4to. fol. CXXVIII. verso: quas aniles fabulas adeo magis detestor, quo plures inveniantur, qui has referendo et populis prædicando non solum inducunt homines ad earum fidem, verum etiam in iis demorantes ea, quæ vera sunt et in salutem animarum dici possunt, omittunt. Sunt enim plures et præsertim aliqui monachi, qui dum concionantur ad imperitam plebem, ut phaleratis et ampullosis verbis populum demulcent, ut famam eruditiois et disertitudinis consequantur, et ut culinam suam vel Fratrum lautijs instruant, vel potissimum dum Evangelis tamquam consuetis atque rebus quotidianis pudet esse contentos, non verentur excogitare nunc somnia, nunc revelationes (ut ipsi aiunt) sanctorum Patrum, quibus in Christum, nedum sanctos, falsa et mendacia aliquando comminiscuntur, dum non credunt satis placere se, nisi exotica aliqua atque peregrina in medium afferant, ut plebs postmodo gloriabunda jactet, se audisse a Domino Sixto vel Fratre Johannutio quod antea numquam audiverit a quoquam. Et, ut paulum digrediar, ego omnem ferme hæresim quam dicunt existimo inde maxime exortam, ut homines superbi et magnæ opinionis freti eruditioe et fama anhelaverint aliquid dicere, et persuadere novum et inauditum, quo cunctis seculis et nationibus suam famam insinuent. Sed ut redeam, cum Dominus Sixtulus vel Frater Lolhardus in nigra barba sic famam suam illustravit, ne existimationem suam in posterum extenuet, aut plebem in laudem suam tepidiorem reddat, non dubitat dies atque noctes somniare et figmenta componere, quo semper clariorem se reddat et magis admirandum: tandem eo usque progreditur, ut fabulis, quæ ipsi exempla vocant, totos dies consumat, quas ipse pro sua existimatione magnificanda satis admirabiles jam primum excogitavit: et dum totus in eloquentia volubilitateque lingua, et rerum nullibi gestarum diurnali recitatione hæret, fit, ut nihil vel parum de sacris literis proferat, partum dicat, quod sit animæ salutiferum. — Illud mihi ridendum videtur, quod concionatores isti, cujuscunque sancti festum celebrant, concionando clamant, fulsisse illum super omnes alios sanctos virtutibus et vitæ sanctimonias, vel singulari sanctitatis privilegio dotatum persuadent; postquam ad alium venerint sanctum, itidem faciunt, semper præsentem super omnes alios extollendo. Taceo de laudibus, quas aliquando præter fidem tutelaribus sanctis, quos Patronos vocant, sacerdotes in dedicationibus adscribunt, ubi omnis modus laudationis exceditur, omnisque ingenii vis quasi quidam torrens effunditur, adeo, ut ea quæ incerta sunt et vix vera, et ubi fides desideratur, impediunt etiam quæ vere de illis dici possunt. Aut quis risum continebit, dum quidam Fratres sui Ordinis auctores et primates postergatis virginibus, confessoriibus, martyribus, Apostolis et Evangelistis, Patriarchis atque Prophetis, adeo alte conantur locare, ut adhuc solium quærant, ubi eos reponent in cœlestibus: alii suum dictum a Christo magnum patrem persuadere volunt, alii suo doctori Paulum apparuisse Apostolum atque dixisse, suas illum epistolas melius omnibus aliis doctoribus esse interpretatum. Quæ nisi cogar, nunquam credam, etc.

³ *Jo. Trithemius Epist. famili. lib. I. ep. 26, ad Jac. Kymolanum, dd. Coloniæ, 22 Jul. 1505* (in ejusd. Opp. hist. ed. Freheri II. p. 461): Nostri concionatores majore in numero purissimos Dei sermones Aristotelicis Julianisque intermiscent opinionibus, crebrius philosophos gentilium, quam Christi Apostolos allegantes. Proh pudor tam celebris facta est verbi Dei præconibus Peripateticorum auctoritas, ut in cathedra Christi crebrius Aristoteles citetur in medium, quam Paulus aut Petrus sacratissimi principes Apostolorum. Quid talium sermones simplici et indocto Dei populo proficiunt, in quibus ad ostentationem totum, ad compunctionem vero nihil inducitur? Ad scholas Gymnosophistarum istæ meretriculae gentiliumque traditiones remittendæ sunt, ut in schola Christi nihil aliud quam doctrina Christi pura et immaculata prædicetur. Furfures enim purissimæ farinæ commis-

still extant of Meffreth, a priest in Meissen, A. D. 1443 — 1476,⁴ of Leonardus de Utino, a Dominican in Bologna, † 1470,⁵ and even in those of Gabriel Biel,⁶ otherwise so distinguished for their practical tendency. A feeling of the unfruitfulness of such preaching, led several able men to attempt new modes of awakening the moral feeling of their hearers by scenes and warnings taken from real life, in which they strove to make the vices of the time not only disgusting but ridiculous. This, sometimes humorous, style of preaching was adopted by Gabriel Barletta in Italy, about 1470,⁷ John Geiler of Kaisersburg, preacher in Strasburg, † 1510,⁸ and the two Franciscans, Olivier Maillard, † 1502,⁹ and Michael Menot († at some time previous to 1519),¹⁰ in Paris. In the smaller and more quiet circle of the Mystics, no one exercised so much influence as Thomas Hemerken of Kempis (Thomas a Kempis), a pupil of the Brethren of Common Life, and a Canon in the monastery on St. Agnes' mount near Zwoll, † 1471, by his various devotional works,¹¹ and especially by his book

cuit, quisquis hunc prædicandi modum primus adinvenit. *Melanethon* in *Apologia Augustanae Confessionis*. Art. II. de justificatione (ed. Rechenberg. p. 62): Audivimus quosdam pro concione, ablegato Evangelio, Aristotelis Ethica enarrare.

⁴ He wrote *Hortulus Reginæ*, a collection of Sermons for the whole church-year, distinguished into Pars hiemalis, Pars aestivalis, and *Sermones de Sanctis*, ed. Norimb. 1487; Basil. 1488; Monachii 1615. fol.

⁵ *Sermones de Sanctis*, ed. Utinæ 1566, and often. *Quadragesimale de legibus*. Lugd. 1494. 4to. and often.

⁶ See § 143, note 3. *Sermones de tempore*, ed. Wendelinus Steinbach, Tubing. 1500. 4to. (the most remarkable, the three *Sermones medicinales contra pestilentiam*. Domin. 22—24. post fest. Trinit.). *Sermones de festivitatibus glor. Virg. Mariæ*, 1499.

⁷ *Sermones Quadragesimales*. Bresciæ 1497. 8vo. *Sermones de Sanctis*. ibid. 1498. 4to. It became a proverb: qui nescit barlettare, nescit prædicare. Compare *Niceron's Nachrichten von den Begebenheiten u. Schriften berühmter Gelehrten*. Th. 3. S. 88 ff. *Baumgarten's Nachrichten von merkw. Büchern*. Bd. 7. S. 124 ff.

⁸ Collections of Sermons, under the titles: *Seelenparadies*. Strasb. 1510, *Usslegung über das Gebete des Herren* 1515, *Predigen Teutsh.* Augs. 1510, *Navicula s. speculum fatuorum*, 1511. *Predig d' himelfart Ma.* 1512. *Navicula penitentiae*. 1512. *Christenlich bilgerschafft zum ewigen vatterland*, 1512. *Das Evangelibuch*, 1513. *Postill*, 1522. *Die Emeis (Ameise)* 1517, etc. Compare *Vierling de Jo. Geileri Cæsaremontani scriptis germanicis disp.* Præs. J. J. Oberlin. Argent. 1786. 4to. F. W. Ph. v. Ammon *Geiler v. Kaisersbergs Leben, Lehren und Prædigten*. Erlangen 1826. 8vo.

⁹ *Sermones de Adventu, quadragesimales, dominicales, et de peccati stipendio et gratiae premio*. Argent. 1506. 4to. *Niceron mémoires pour servir à l'hist. des hommes illustres*. T. 23. p. 47 seq. *Baumgarten's Nachr. von einer hallischen Bibliothek*. Bd. 4. S. 51 ff.

¹⁰ *Sermones quadragesimales*. Paris. 1519. and often. *Niceron*, T. 24. p. 386 seq. *Baumgarten* Bd. 4. S. 59 ff. *J. C. Shelhorn amoenitates hist. eccl. et liter.* T. I. p. 778 seq. *Michael Menot*, ein Beitrag zur Gesch. der Homiletik von J. G. V. Engelhardt. Erlangen, 1823. 8vo.

¹¹ Some notices of his life may be found in the *Chronicon Canonicorum Regularium montis s. Agnetis* (ed. Herib. Rosweydis, appended to *Jo. Buschii Chron. Canon. Regularium Ord. S. August.*) Antwerp. 1621. 8vo. p. 29, 51, 104, 137, written by himself. Then there is a life of him by *Jodocus Badius Ascensionis* († 1535) in his Opp. ed. Sommalii, p. II seq. Amongst his devotional works are:

de imitatione Christi.¹² Amongst the Mystics, too, probably the various translations of the Bible were used, which now appeared in print.¹³ Their more general circulation was prevented by the steady

Soliloquium animæ, Hortulus rosarum, Vallis liliorum, De tribus tabernaculis, Doctrina juvenum, De vera cordis compunctione, De solitudine et silentio, etc. Opp. ed. Norimb. 1491. Paris. 1520. fol. ab Henr. Sommalio e Soc. Jesu. Antwerp. 1607. 4to., and often.

¹² It was from the first uncertain by whom this book was written. And when afterwards it became so extremely popular (it has been translated into almost every language, and there are supposed to have been 2000 editions of the original, and 1000 of the French translation only) it became a matter of much controversy. From A. D. 1415, the book was circulated without its being determined by whom it was written. Many of the old Codices, however, and the earliest editions, bear the name of Thomas a Kempis. Two Codices, that of Löwen and that of Antwerp, are written by his own hand. For him, too, there is one indisputable testimony, his contemporary and brother of the same order, John Busch (see § 139, note 4), who must have known him personally, and who ascribes the work to Thomas in the Chron. Windesemense (see § 141, note 1) lib. II. c. 21. To this is added the testimony of Petrus Schottus, prefixed to an edition in 1488, and of John Tritenheim de scriptoribus ecclesiasticis (written 1494) c. 707. And finally, the whole style of the book, and the numerous Germanisms, strengthen the probability that it was written by Thomas. — It was very natural, too, that so popular a work should have been ascribed to John Gerson (see § 113, note 11), rather than the comparatively obscure Thomas a Kempis. The oldest Codex that gives his name is that of Salzburg, 1463, the ed. of the French translation in 1488, is undecided between St. Bernhard and Gerson; that of 1493, however, ascribes the work decidedly to Thomas a Kempis; a French edition of 1573 is the first that bears the name of John Gerson as the author, on its title page. The contents of the work show also that its author was a monk. — In several Codd. we find the name Jo. Gersen, Gessen, Gesen, which is plainly meant for Jo. Gerson. But after Petrus Manriques, 1604, had supposed the book to be older than Bonaventura, because it was cited in the Collationes, ascribed to that writer; the Italian Benedictine Cajetan, 1615, ascribed the work to a John Gersen of Cabaliaca, Abbot of a Benedictine convent of St. Stephens, in the citadel of Vercelli, between 1220 and 1240, on the authority of the Ms. of Arona, which was supposed to belong to the 13th century. The order of Regular Canons now took up the cause of Thomas, whilst the Benedictines were zealous in behalf of their newly discovered abbot, and thus arose a vehement dispute between the two orders, which the parliament of Paris was called upon to decide; which they did in 1652, by decreeing that the book should in future be printed with the name of Thomas a Kempis. Amongst the disputants in favor of Thomas, Eusebius Amort, Canonicus in Polling in Bavaria († 1775), was much distinguished. The controversy is not, however, yet ended. For Gerson we have Ant. Alex. Barbier: dissertation sur 60 traductions françaises de l'imitation de J. Ch. Paris. 1812; and J. B. M. Gence, in a new edition of the work in question, Paris. 1826. 8vo. For the Abbot Gersen: Mémoire sur le véritable auteur de l'imitation de J. C. par G. de Gregory. Revu et publié par les soins de M. le Comte Lanjuinais, Pair de France. Paris. 1827. 12mo. For Thomas a Kempis: Gersen, Gerson und Kempis; or: ist einer von diesen dreien, und welcher ist der Verfasser der vier Bücher von der Nachfolge Christi? von J. P. Silbert. Wien 1828. 8vo.

¹³ The French translation by Gujars des Moulins, a Canon in Aire in the diocese Terouane, made 1291–1294, was printed by command of Charles VIII., that is, before 1498 (*du Pin Prolegomènes sur la Bible*, p. 219 seq.). The Italian by the Venetian Benedictine, Nicolaus Malermi, in 1471 and 1477. The German translations are more numerous. One in the high German dialect, printed first in Mayence, 1462, was reprinted 14 times before the Reformation, in Strasburg, Augsburg, and Nuremberg. See G. W. Panzer's literar. Nachricht von den allerältesten gedruckten deutschen Bibeln, Nürnberg, 1777. 4to. Ibid. Gesch. der Nürnbergerischen Ausgaben der Bibel. 1778. Ibid. Beschreibung der ältesten Augspur-

opposition of the hierarchy to all translations of the Scriptures into the national dialects.¹⁴

§ 146.

OF ECCLESIASTICAL PUNISHMENTS AND INDULGENCES.

The abuse of indulgences was fully recognised by the Council of Constance, and an attempt made to check it;¹ but the restraint was

gischen Ausgaben der Bibel, 1780. 4to. A translation into the Lower Saxon was printed three times, in Cologne 1470, Lübeck 1494, and Galberstadt, see J. M. Götz e's Versuch der gedruckten Niedersächsischen Bibeln v. J. 1470 bis 1621. Halle, 1775. 4to.

¹⁴ Compare § 86, notes 28, 29. Even *Jo. Gerson Lectio altera contra vanam curiositatem Consid. IX.* (Opp. I. p. 105), says prohibendam esse vulgare in translationem librorum sacrorum nostrae Bibliæ, præsertim extra moralitates et historias. Claras rationes ad hoc plurimas invenire facile est. The zealots opposed the having any religious books in the national dialect, see § 141, note 8. A similar prohibition was passed by the archbishop of Mayence against the printing of German translations, A. D. 1486, in *Gudenii codex diplom. anedotorum res Moguntinas illustrantium IV.* p. 469: Vidimus ipsi libros de divinis officiis et apicibus religionis nostræ, e latina in germanicam linguam traductos, non sine religionis dedecore versari per manus vulgi. — Dicant translatores tales, si verum colunt, — anne lingua germanica capax sit eorum, quæ tum græci, tum et latini egregii scriptores de summis speculationibus religionis christianæ et rerum scientia accuratissime argutissimeque scriperunt? Fateri oportet, idiomatis nostri inopiam minime sufficere, necesseque fore, eos ex suis cervicibus nomina rebus fingere incognita; aut, si veteribus quibusdam utantur, veritatis sensum corrumpere, quod propter magnitudinem periculi in litteris sacris magis veremur. Quis enim dabit rudiibus atque indoctis hominibus, et femineo sexui, in quorum manibus codices sacrarum litterarum inciderint, veros excerpere intellectus? Videatur sacri Evangelii, aut epistolarum Pauli textus: nemo sane prudens negabit, multa suppletione et subauditione aliarum scripturarum opus esse. The archbishop forbids therefore the printing and sale of all German translations, unless approved by certain commissioners, under penalty of excommunication.

¹ The Commissioners appointed by the Council (see § 130, note 13) proposed the following decree, see *v. d. Hardt I. XII.* p. 751: Quia tempore hujus nefandi schismatis, quo singula quasi spiritualia publicæ exponebantur venditioni, multæ quæstuationes ac petitiones cum quamplurim indulgentiarum et concessionum privilegio, ut verosimiliter præsumitur, pro pecunia plus quam animarum salute sunt concessæ, in gravamen pauperum et ecclesiastici status ridiculum, et quibus ex facilitate (so *Anuort II.* p. 35, instead of *qualitate*) venia incentivum præbetur delinquendi: idecirco hæc s. Synodus omnes hujusmodi novas quæstuationes, sub eujuscunque facti aut factæ nomine ab Apostolica sede concessas, neconon omnia et singula privilegia indulgentiarum, concessionum aut gratiarum, eujuscunque etiam sint tenoris et continentiae, dictis novis et etiam antiquis quæstuationibus et petitionibus, tempore jam lapsi schismatis, imo et tempore unionis, post constitutionem felicis recordationis quondam Domini Clementis V., quæ incipit *Abusionibus (Clementinæ. lib. V. Tit. 9. c. 2)*, qualitercumque concessa, revocat, irritat, cassat, et annihilat, eaque ut antea nullius vult esse roboris vel momenti. Per hanc revocationem hæc Synodus antiquis quæstuationibus et petitionibus, dummodo per Presbyteros bona famæ, habiles et idoneos, sine sermone publico, sed cum literarum, petitionum suarum et indulgentiarum antiquarum vera expositione, sine commixtione falsitatis, et secundum formam dictæ Clementinæ fiant, aliquatenus derogare non intendit. The Germans now urged Martin V. to adopt this decree, see *Avisamenta Nat. Germ. Art. 17*, in *v. d. Hardt I. XXII.* p. 1011 (compare § 130, note 18). He, however, modified it to this effect, see *Responsio Martini*

only temporary, and was succeeded by such an increase of abuses,² that no century is more marked by them than the 15th. The years of Jubilee were multiplied more and more,³ till at length it was established as the regular rule by Paul II. A. D. 1470, that they should recur every five and twenty years.⁴ Indulgences were offered also for joining expeditions against unbelievers, and all who opposed the papal power, and for contributing funds for the same ;⁵ as well as for other services rendered the church.⁶ The various ecclesiastical associations,⁷ especially the monks,⁸ were not only endowed with

Art. 17. l. c. p. 1038 (compare § 130, note 18) : Cavebit Dominus noster Papa in futurum nimiam indulgentiarum effusionem, ne vilescant ; et in præteritum concessas ab obitu Gregorii XI. citra perpetuas, item quæ dicuntur de pœna et culpa, sive de plena remissione, concessas locis, item omnes concessas ad instar alterius indulgentiæ, revocat et annullat.

² The Council of Basil bestowed itself many indulgences, compare the papal instructions in *Raynald*, 1436, no. 6, see above, § 131, note 30, and *Jo. Polemar*, § 131, note 45. This increase was justified, too, by the Scholastics, see *Gabriel Biel expos. Missæ Lect. 57* : ante tempora b. Gregorii modicus vel nullus fuit usus indulgentiarum : nunc autem crebrescit earum usus. Quod sine dubio Ecclesia habens Spiritum Christi, et ideo non errans, singula, prout expedit, temporibus suis distribuit, mota et illuminata a Spiritu Dei, qui novit tempora, quæ Pater in sua posuit potestate, quorum mysteria indagare non sufficiimus. Possumus tamen conjicere aliquas causas, cur magis modo, quam olim usus indulgentiarum crebrescit. Quoniam, ut timor transgressionis mandatorum Dei induceretur in conversos fideles, graves pœnitentiæ injungebantur et pœnæ. Item, nunc tepescente charitate, nec satisfactiones condignæ injunguntur, nec modice injunctæ perficiuntur ; ideo valde necessarius est copiosus indulgentiarum usus.

³ The years 1425 and 1450 were celebrated as years of jubilee, and in 1451 the jubilee-absolution of the diocese of Augsburg was purchased in Poland, Spain, Hungary, and various places in Germany ; see *Eus. Amort* de origine, progressu, valore ac fructu indulgentiarum. Aug. Vind. 1735. fol. P. I. p. 87 seq.

⁴ The bull dd. 13 Kal. Maji 1470, see in *Raynald*, 1470, no. 55, in *Amort* I. p. 91, gives as the ground of this change : Nos — attendentes humanæ conditionis statum fragilem, ad peccandum proclivem, et ad declinationem usque adeo celeri cursu — properare, brevissimum quoque vitæ spatium, et peccatis nostris exigentibus crebras pestilentias, varios morbos letiferos, gravissimas quoque Turcarum et infidelium adversus fideles persecutio[n]es assiduas, atque universam Christianitatem retroactis temporibus quassatam adhuc variis non quidem minoribus injuriis laces-siri, et calamito[s] casibus et dispendiis subjacere, aliasque plurimas ærumnas in Christi populo adco invalescere, ut eis atque aliis sinistris casibus plerunque cau-santibus admodum pauci remissionum et indulgentiarum hujusmodi participes fieri mereantur, etc.

⁵ 1411 against Ladislaus, king of Naples, 1420 and 1421 against the Hussites, 1453 (see § 132, note 10), 1455 (see § 132, note 12) and 1463 against the Turks, 1457 against the Moors, see *Amort* I. p. 74. Also 1502 jubilee-indulgence was granted to support the war against the Turks, *Amort* I. p. 101, *Cruciata* for K. Emanuel, king of Portugal, against the Moors, 1505, see *Raynald*, ad h. a. no. 5 seq. The Bulla *Cruciata*, which is still sold in Spain, was first issued by Julius II. 1509, to get funds for the war against the Turks ; in 1519, Leo X. bestowed the profits of it on the king of Spain, who still receives them, see *Amort* I. p. 79.

⁶ Especially for the contributing money to build churches. The most celebrated indulgence of this kind is that of Julius II. for the building of St. Peter's, first issued in 1506, and often afterwards (e. g. 1510, see the bull in *Amort* I. p. 205), which eventually proved the cause of the reformation.

⁷ e. g. the Confraternitas præputii dominici in Antwerp, from Eugenius IV. 1446 (*Amort* I. p. 201), the Confraternitas s. Rosarii from Sixtus IV. 1478 (see § 140, note 10), several instances given in *Amort* I. p. 169 seq.

ample indulgences for their own members, but likewise with others to enable them to carry on a traffic with the laity.⁹ The numerous shrines, too, were endowed with rich indulgences,¹⁰ and finally there were indulgences for certain festivals,¹¹ for certain prayers,¹² and even to honor eminent personages.¹³ It had long been maintained by some theologians that the papal indulgence extended also to purgatory, though by others it had been disputed:¹⁴ the prevailing doctrine now was that the Pope had such power *per modum suffragii*,¹⁵ which

⁹ See *Amort* I. p. 132 seq. Sixtus IV. decreed 1480, that the Portiuncula-indulgence (see § 69, note 8; § 109, note 7) could be obtained by any member of the order of Franciscans in any of their churches on the 1st August, *Wadding Annales Minorum ann. 1480*, no. 41; 1481, no. 38.

¹⁰ Indulgences for those who frequented the churches of the Mendicants, for their benefactors, etc., see *Amort* I. p. 141 seq.

¹¹ e. g. the holy blood in Wilsnack, § 144, note 9. The shrines were innumerable. The most noted were Rome, Loreto, St. Jago di Compostella, Einsiedeln, Aix, Triers. The tunica Domini inconsutulis in Trier was endowed by Leo X. 1512, with a general absolution, and other privileges, see *Wittii hist. Westphaliae*, p. 639 seq., and in that same year drew a crowd of pilgrims, with whom a lucrative trade was carried on in reliques, see *Schecknau Chron. S. Maximini in Münch's Franz v. Sickingens Thaten, &c. Bd. 3. S. 116 ff.*

¹² Martinus V. decreed an indulgence of 100 days to the festo corporis Christi, *Amort* I. p. 201, which was doubled by Eugenius IV., see l. c. p. 204, Sixtus IV. 1472 to the festival of St. Francis an indulgence of 50 weeks, 1475 to the festo conceptionis b. M. V., one of 700 days, l. c. p. 203.

¹³ Especially for the Ave Maria, see § 144, note 12.

¹⁴ Thus in 1481 Sixtus IV. bestowed a rich indulgence on those, qui seren. Principem Venetiarum ad divina comitantur officia, et rempublicam consilio et opera gubernant et adjuvant, see *Amort* I. p. 203.

¹⁵ First maintained by Alex. Halesius and Thomas Aquin. see § 82, notes 17 and 18. Compare *Amort* II. p. 59 seq. — *Gerson* sermo II. pro defunctis opposes the notion, indulgentias acquiri posse pro mortuis. *Jo. Niderus Summa Confessorum lib. III. qu. 191* (see *Amort* II. p. 92) maintains the contrary: non enim est aliqua ratio, quare Ecclesia merita communia possit transferre in vivos, et non in mortuos.

¹⁵ Such is the view of a contemporary writer on indulgences, *Nicolaus Weigel* or *Wigelius*, professor in Leipsic, and deputy of that university at the Council of Basil (see *Walch* monumenta medii aevi, vol. II. fasc. I. Præf. p. XXV., and the Leipsic Easter-program of 1786: *De legato Academiae Lipsiensis ad Conc. Basiliensem*), from whose work against the Hussites, *Opus de indulgentiis*, written 1411, *Amort* II. p. 94, gives an extract. Cap. 59, p. 111, on the question, *an possint indulgentiae dari iis, qui sunt in purgatorio*, the extract says: Doctores varie respondent. Quod possint dari, potest probari 1. Levit. 25. frater fratrem redimit: ergo idem potest Ecclesia. 2. Petrus habet claves regni. 3. Deus omnibus pro-vidit, ut juvari possint ab alio, ergo et animabus. 4. Animæ illæ non pertinent ad Ecclesiam triumphantem, ergo ad militantem. 5. Suffragia piorum juvent animas, ergo et indulgentia. 6. Thesaurus sufficit etiam pro purgatorio. 7. Papa saepe facit predicare crucem, ut aliquis habeat pro se, et tribus vel quatuor suis caris in purgatorio detentis. 8. Papa ligat et solvit post mortem 24. qu. 2. 9. Papa constitutus est judex vivorum et mortuorum. Sed ad illam partem, quod non, sunt multæ rationes et satis fortes. 1. Animæ non sunt de foro Papæ. 2. Non possunt aliquid operari in bonum Ecclesiæ. 3. Non possunt a Papa ligari. 4. Si Papa potest eos absolvere, esset crudelis, si non quotidie eos absolveret. Pro concordantia auctor ex Richardo de Media-Villa dicit, quod prosint *per modum suffragii*, secundario ac indirecte.

was formally confirmed by Sixtus IV. 1477.¹⁶ From this time forward, however, the popes were in the habit of making provisions in their bulls for the souls in purgatory, without regard to this limitation, and as if they had the absolute disposition of them,¹⁷ as the keepers of

¹⁶ See his Declaratio in *Amort* II. p. 292: Cum superioribus mensibus nobis relatum esset, in publicatione indulgentiae, per nos alias Ecclesiae Xanetonensi (*Saintes*) concessae, plura scandala et discrimina fuisse exorta, prædicantesque in hujusmodi publicatione multos abusus commisise, multosque errores prædicasse, ac inter alia occasione dictæ indulgentiae, quam animabus in purgatorio existentibus per modum suffragii concessimus, nonnullus scripta nostra male interpretantes publice asseruisse atque asserere, non esse ultra opus pro animabus ipsis orare, aut pia suffragia facere: — nos scandalis et erroribus hujusmodi ex pastorali officio obviare volentes per Brevia nostra ad diversos illarum partium Prælatos scripsimus, ut Christifidelibus declararent, ipsam plenam indulgentiam pro animabus existentibus in purgatorio per modum suffragii per nos fuisse concessam, non ut per indulgentiam prædictam Christifideles ipsi a piis et bonis operibus revocarentur, sed ut illa in modum suffragii animarum saluti prodesset, perindeque ea indulgentia proficeret, ac si devota orationes, piæque eleemosynæ pro eaurundem animarum salute dicerentur et offerentur. This explanation, however, was likewise misunderstood by the evil-minded, for its meaning was by no means, indulgentiam non plus proficere aut valere, quam eleemosynas et orationes. But rather: eam perinde valere diximus, i. e. per eum modum, *per, aesi*, i. e. per quem orationes et eleemosynæ valent. Et quoniam orationes et eleemosynæ valent tanquam suffragia animabus impensa; nos, quibus plenitudo potestatis ex alto est attributa, de thesauro universalis Ecclesie, qui ex Christi Sanctorumque ejus meritis constat, nobis commisso, auxilium et suffragium animabus purgatorii afferre cupientes supradictam concessimus indulgentiam, ita tamen, ut fideles ipsi pro eisdem animabus suffragium darent, quod ipsæ defunctorum animæ per se nequeant adimplere. *Gabriel Biel* in his *Expositio Missæ Lect.* 56, is still very doubtful as to the question, utrum indulgentiae prosint defunctis; but in Lect. 57, he had fallen upon the Declaratio Sixti P.: this he of course at once adopted, but strove at the same time to get a more distinct view of the subject: Et quod frequenter repetitum est *per modum suffragii*, non est intelligendum, quasi modus suffragii tollat efficaciam indulgentiarum, ita quod opus illud, pro quo dantur indulgentiae, non plus valeat animabus, quam si idem opus factum esset pro eis, nullis indulgentiis adjunctis, sicut quidam intelligere voluerunt: sic enim frustra daretur indulgentia pro animabus. Sed quod additur *per modum suffragii*, excludit modum judiciaire potestatis, quæ dicit judicialem absolutionem. Cum enim defuneti implere non possint opus, pro quo dantur indulgentiae, dum illud pro eis fit ab alio, iam opus alterius suffragatur eis, ut possint consequi indulgentias, non minus quam si ipsi per se opus illud implevissent: et ita indulgentiae proficiunt eis per modum suffragii, i. e. propter aliquod opus ab alio factum, et eis per modum suffragii applicatum.

¹⁷ Till the year 1490, absolution for the dead was very rare: in that year, however, Innocent X. adopted the following means of procuring money for the war against the Turks (*Trithemii Chron. Hirsau*. II. p. 535): misit in universam Germaniam plenarias indulgentias Jubilæi non solum pro vivis, sed etiam pro defunctis, quæ sicuti eatenus fuerunt rarae, ita etiam plurimorum disputationi expositæ. Summa disputationis hæc erat, quod Papa de plenitudine potestatis non solum viventibus contritis et confessis pœnam possit remittere peccatis alioquin debitam, sed etiam omnium in Purgatorio existentium animarum ita remittere pœnas, ut ipsum Purgatorium si velit penitus evacuare possit. Habuit hæc assertio nova impugnantes, habuit et assertores, qui varia in utramque partem ut movebantur synthemata scriperunt: cautius tamen quam liberius ne forte proscripterentur et ipsi. The Popes retained the formula *per modum suffragii*, but at the same time speak as if this suffragium must be of course effectual. Thus in *Alexandri P. VI. declaratio Jubilæi ann. 1500*, in *Amort* I. p. 96, and in *Julius II. bull* of indulgencee for the church of St. Peter, A. D. 1510, l. c. p. 209: Et ut animarum salus eo potius procuretur, quo magis aliorum egent suffragiis, et quo minus sibi ipsis proficerentur, auctoritate Apostolica de thesauro s. Matris Eccle-

siæ animabus in purgatorio existentibus, quæ per charitatem ab hac luce Christo unitæ decesserunt, et quæ dum viverent, sibi ut hujusmodi indulgentia suffragaretur, meruerunt, paterno affectu, quantum cum Deo possumus, succurrere cupientes, de divina misericordia ac potestatis Apostolice plenitudine volumus et concedimus, ut si qui parentes, amici, ac cæteri Christifideles pietate commoti pro ipsis animabus purgatorio igni pro expiatione poenarum eisdem secundum divinam justitiam debitarum expositi dicto anno Jubilai durante pro reparatione dictæ Basilicæ s. Petri aliquam eleemosynam juxta dictorum pénitentiariorum — ordinationem, dictas Basilicas et Ecclesias modo præmissis devote visitando, in capsa in eadem Ecclesia seu Basilica s. Petri deputata posuerint, ipsa plenissima indulgentia per modum suffragii ipsis animabus in purgatorio existentibus, pro quibus dictam eleemosynam pie erogaverint, pro plenaria poenarum relaxatione suffragetur. How rapidly the privileged altars were multiplied may be seen from the testimony of the papal legate, Raymundus, A. D. 1500, which *Joh. de Paltz*, Provost of the cloister of Neuen Werke near Halle, had from him, and relates in his *Cœlifodina* (ed. 1510) Append. qu. 9 ad 3. According to this account (see *Amort* II. p. 283), five churches in Rome were endowed with such indulgences. Namely, 1. A chapel in the church s. *Potentianæ*, in which there was an inscription: *hæc est illa sacratissima Capella, in qua Princeps Apostolorum, scil. s. Petrus, suam primam celebravit, habetque eadem Capella gratiam hanc, ut quicunque celebraverit, vel celebrari fecerit unam Missam in illa Capella, liberat unam animam a pœna purgatorii, ut patet in Bulla.* 2. *Eccl. s. Praxedis*, in qua quicunque celebraverit vel celebrari fecerit quinque Missas, liberat unam de Purgatorio. 3. *Eccl. s. Laurentii extra muros*, quam Ecclesiam si quis visitaverit in omnibus diebus Mercurii per totum annum, habet a Deo et Sanctis Laurentio et Stephano istam gratiam extrahendi unam animam de purgatorio. 4. *Ecclesia s. Sebastiani* etiam extra muros, in qua est scriptum apud Altare, sub quo est reconditus corpus s. Sebastiani sic: *Sub hoc Altari reconditus est corpus s. Sebastiani Martyris, et in omni Missa, quæ celebratur super codem, liberatur una anima de purgatorio.* 5. Capella, vocata *Scala cœli*, ubi decollatus fuit s. Paulus Apostolus, in qua Capella sic est scriptum: *Hæc est secunda Capella, quæ fuit fundata in toto mundo ad honorem b. Mariæ V. et vocatur Scala cœli, super quam meruit s. Bernardus videre scalam erectam usque ad cœlum.* In qua quicunque celebrant vel celebrari faciunt pro animabus existentibus in purgatorio, meritis ejusdem b. M. V. dicta animæ cito liberantur. Hæc ex publico instrumento a R. D. Raymundo mihi in indulgentia prædicanti missò in Missiva. Pontifices concedunt etiam Laicis quartis feriis per integrum annum devote visitantibus Ecclesiam s. Laurentii, quod possint etiam unam animam indulgentialiter liberare. Insuper idem R. D. Raymundus in declaratione Bullæ quondam publicatæ in prima sui legatione dicit, quod Calixtus P. dederit indulgentias pro animabus redimendis de purgatorio ad Hispaniam Ecclesiæ Tyrasonensi. Similiter easdem indulgentias concessit P. Sixtus IV. Ecclesiæ Sanctonensi in Francia sub commissione ejusdem R. D. Raymundi. Sub quo et Innocentius VIII. easdem misit indulgentias per Germaniam, quod et modernus P. Alexander VI. per eundem fecit anno sequenti immediate post Jubileum Romæ celebratum anno 1500, mittendo ipsum cum amplissimo Jubilæo tam pro vivis quam pro defunctis nedum per totam Germaniam, sed et per totum regnum Daciae. The papal preachers spoke of the power of the Pope over purgatory as beyond all doubt; thus *Jo. Angelus Arcimbolus*, Commissarius apostolicus, in his instructions to his delegates, A. D. 1514 (in Kappel's Nachlese einiger zur Erläuterung der Reformationsgesch. nützlicher Urkunden. Th. 3. S. 180): Advertant prædicatores, ut bene informant populum super validitate et efficacia præsentium indulgentiarum, ut eo facilius ad eas promerendas invitentur, cum per verbum prædictoris intelligent, clarum esse et omni scrupulo et dubitate carere, Sanctissimo Domino nostro Papæ omnimodam et plenissimam competere facultatem, indulgentias istas plenarias pro vivis et defunctis, et omnium peccatorum et poenarum, quas quis in purgatorio deberet pati, remissionem — concedendi. — Et qui de hac potestate dubitaret, de fide christiana dubitaret, nec christianus esset. Accordingly the limitation of this power to the modus suffragii came soon to be considered inadmissible (see Morung's fate, below, note 19), and the formula per modum suffragii frequently omitted, e. g. in the letters of indulgence granted by the Pope's commissary, Christian Baumhauer, 1510 (see Riedeler's

the keys of heaven, and dispensers of eternal happiness.¹⁸ Those who ventured to call in question these claims were persecuted,¹⁹ and only the Sorbonne imposed any check on their pretensions.²⁰ With

Nachrichte zur Kirchen-, Gelehrten- u. Büchergeschichte. Bd. 3. S. 413, and *Kist en Royaards Archif voor kerckelyke Geschiedenis* Deel 1. p. 215): Notum facimus, quod D. N. Papa cunctis Christifidelibus, — ultra plenissimas peccatorum indulgentias sacratissimi Jubilæi — ac alias plures gratias et facultates, quas ad hoc dispositi pro se ac certis defunctorum animabus respective consequuntur, de plenitudine ac liberalitate potestatis apostolicae misericorditer concessit, et voluit, ut tam ipsi quam omnes et singuli eorum parentes ac benefactores cum charitate defuncti in omnibus precibus, suffragiis, — et cæteris omnibus spiritualibus bonis, quæ fiant et fieri poterunt in tota universalis sacrosancta Ecclesia militante, — participes in perpetuum fiant.

¹⁸ See the promises in the bull of Pius II. A. D. 1463, above, § 132, note 38. Still more confidently Julius II. 1505 (*Raynald*, ad h. a. no. 5) promised to all who should take part in the expedition of Emanuel, king of Portugal, plenariam omnium peccatorum suorum remissionem et indulgentiam, adding: ac eorundem omnium, quos in hac sancta expeditione proficiunt contigerit, animas in sanctorum Angelorum consortio in celestibus regnis et æterna felicitate permansuras perpetuo decernimus collocandas; ita ut, si forsan designato tempore, non excepto ipsorum aliquo, postquam iter pro prosecutione tam sancti operis arripiunt, ex hac luce migrare contingat, indulgentiam hujusmodi omnino consequantur.

¹⁹ Thus one of the heresies of Petrus of Osma (see § 135, note 24), which Sixtus IV. (*Raynald*, 1479, no. 32) condemns as falsas, s. catholicæ fidei contrarias, erroneas et scandalosas, etc., is: Romanum Pontificem purgatoriū pœnam remittere non posse. The Canon, Dietrich Morung, of Bamberg, was imprisoned for maintaining the same thing; see the contemporary, *Joh. Linturius*, in his continuation of the Werner Rollewinck in *Pistorii Scriptt. rer. Germ.* T. II.: Anno 1489 quidam Legatus a latere missus cum Jubilæo et maximis indulgentiis a Papa Innocentio, dum Norimbergæ moram duceret, Doctor Theodoricus Morung, Canonicus Bambergensis — bullis contradixit papalibus in eo, quod Papa non haberet animis in purgatorio annum jubilæum impertiri, nisi per modum suffragii (i. e. just as had been declared by Sixtus IV., see note 16). Et idem Norimbergam veniens, in egressu ad Herbipolin, circa Norimbergam capitur per clientes Marchionis Friderici, et vulneratus ducitur in Kadlspergk. Absolvit Legatus clientes, et ad manus Sanctissimi eundem Doctorem captivum tenuit, committendo ipsum dicto Principi. Tandem etiam ipsum inhabilitavit propter libellum famosum, quem *Passionem Sacerdotum sub Principe Marchione Alberto*, patre dicti Friderici, intitulaverat, editum tempore persecutionis sacerdotum sub Principe illustri Marchione Alberto ex parte cujusdam *Steure* (on account of a tax), quam ab his aliquatenus exegit idem Princeps in suo districtu, qui libellus per eundem Doctorem confectus fuisse dicebatur: etiam propterea, quod Papalibus bullis, contradixit, et quod sacrilegus incantator, et quod sub Laici vestitu nocturno tempore armatus, ut cliens equestris, incessit. Et hic Doctor captus tenebatur anno 1494 circa festum Michælis, incarcerated a Marchione Friderico in quodam castro Rauhenculm.

²⁰ Thus the Sorbonne decreed in Nov. 1482 (see *d'Argentré I. II. p. 307*): *Hæc propositio: Omnis anima existens in Purgatorio ex justitia divina adjudicata ibidem stare pro quantocunque tempore, immediate evolat ad cælum, sive immediate a pœna liberatur, si quis vivorum pro ea sex albos dederit per modum suffragii, seu eleemosynæ in reparationem Ecclesie S. Petri Xantonensis: non sequitur ex Bulla, nec ex contentis in ea, seu ex indulgentiis concessis prædictæ Ecclesie S. Petri Xantonensis; nec sequitur ex eadem Bulla de aliqua determinata anima, puta patris, aut matris, vel uxoris, aut alicujus alterius, quod tali modo liberetur, ut propositio dixit. Secundo, talis propositio non est simpliciter, absolute, et catholice asserenda, nec ex tenore Bullæ seu virtute indulgentiarum prædictæ Ecclesie S. Petri Xantonensis concessarum, sane nec secure populo quovis modo prædicanda.* The proposition here rejected shows how little effect the formula *per modum suffragii* (see note 16) had in restraining the pretensions of

the papal absolution were connected other indulgences,²¹ some of which, as, for instance, those with regard to property unjustly acquired,²² were plainly of an injurious moral tendency; whilst others, as, for instance, the permission to eat food prepared with milk, in time of fast,²³ tended at least to confuse the moral notions of the

the Popes. Soon after this, in Feb. 1483, the Sorbonne condemned amongst other propositions of the Franciscan *Johannes Angeli* (see § 135, note 23) the following (see *d'Argentré I. II. p. 305*): *Animæ in purgatorio existentes sunt de jurisdictione Papæ: et si vellet, posset totum purgatorium evacuare*, with the remark, *Hæc propositio in se est dubia, et ad mentem asserentis per modum jurisdictionis et ordinariæ potestatis de falsitate suspecta et scandalosa, et nullatenus populo publice prædicanda.*

²¹ e. g. the allowing the confessors to give dispensation for irregularities, for marriages within the forbidden degrees of relationship, also to change certain vows into mere convenient acts of duty, etc. See Alexander's Jubilee-bull of A. D. 1500, in *Amort I. p. 94*. Julius' bull of A. D. 1510, l. c. p. 206 seq.

²² Paul II. empowered his legate, 1467, who was sent to preach a crusade against George Podiebrad (see the bull, which is wanting in *Raynald*, ad h. a. no. 8, translated in *Eschenloer's Gesch. d. Stadt Breslau*, herausgeg. v. Kunisch. Bd. 2. S. 68), to give dispensation to those who should take the cross, or contribute to the expense of the crusade — for the income and fruits of all ill-gotten property, as long as such income should be used only to carry on the war against heretics. In Alexander's Jubilee-bull of 1500, in *Amort I. p. 94*, the power is granted, super male ablatis incertis, et male quæsitis, de quibus cui restitutio fieri debeat, notitia non habeatur, etiam secundum qualitatem personarum, et quantitatem male ablatorum et male quæsitorum componendi, et residuum eis remittendi. In the bull by which Alexander extends the jubilee to Whitsuntide, 1501, for all Italy (l. c. p. 98), it is stated thus: super male ablatis incertis, vel per usurariam pravitatem quæsitis, etiam certis, quando fœnerator ab alio fœneratore extorserit, vel ipse usuras restituere paratus non esset, vel alicui privatæ Ecclesiæ deberentur, in quibus tamen Romana Ecclesia succedere posset. So too in the Jubilee-bull of Julius II. 1510 (l. c. p. 206 seq.). *Arcimboldus* says, in his instructions to his subdelegates (see note 17) in *Kappeln's Nachlese III. S. 195*: *Istos omnes casus debent prædicatores populo explicare, et super eis bene insistere, ut bene intelligantur, præsertim in primo casu super male ablatis incertis, quia in hoc multi sunt illaqueati, præcipue mercatores, qui aliquos incognitos aliquo modo decipiunt plus vendendo quam merces valent, vel vendendo malum pro bono, vel accipiendo aliquid plus in pretio ex eo, quia solutionem pretii per tempus exspectant, vel aliquo alio modo, qui infiniti sunt.* Such directions operated of course to encourage dishonesty.

²³ Such permission was granted by Arcimboldus to the nuns of Bethlehem in Nimwegen (Archief voor kerkelyke Geschiedenis I. p. 227) in a letter of indulgence, A. D. 1517: *Præterea ut licet vobis, una cum hospitiis et familia vestra, pro tempore existente, quamdiu vixeritis, quadragesimalibus usque ad Dominicum Palmarum inclusive, et aliis diebus, quibus lacticiniorum usus est prohibitus (cum, ut accepimus, in partibus vestris oleum olivarum non crescat) butyro loco olei, caseo, absque aliejus licentia; et cum consensu utriusque medici tempore infirmitatis lacticiniis hujusmodi, ac etiam tunc et quoconque tempore prohibito ovis et carnibus veseci, pariter indulgemus.* When Innocent VIII. granted permission to the subjects of the duke of Saxony, 1491, to use such food on all fast days, in consideration of a tax imposed for the building of a church in Freiburg, the Dominicans in Freiburg resisted, especially Georgius Frichenhusius and Johannes de Bamberg, and maintained that the dispensation was forged. They were joined by Joh. v. Breitenbach, professor of the canon law in Leipzig, who maintained in his *Consilium* (see extracts in *Seckendorf Comm. de Lutheranismo*, p. 13 seq.) contribuentes sine conscientie scrupulo butyro et lacticinis libere veseci non posse. Alexander VI. 1496, commanded them to be silent, and renewed the indulgence (see *Andr. Mollerij Chron. Friburg.* P. I. p. 51; P. II. p. 139). The last was done also by Julius II. 1512, the proceeds of the tax being devoted partly to the

people. The influence of this system, which must evidently have been bad enough at the best, was made still worse by the impostures which were constantly practised with regard to indulgences. False indulgences, which even surpassed the real ones in absurdity, were palmed upon the people;²⁴ the venders of absolution went beyond their powers, and did not hesitate at any means of getting rid of their wares to advantage.²⁵ Hence the sale of indulgences came to be

building of the bridge in Torgau, partly to the building of St. Peter's church, see the bull (Butterbrief) in Kappens Nachlese III. S. 155 ff.

²⁴ Thus Nicholas V. had to call to account several of the clergy in Spain, amongst whom was even a Benedictine abbot (*Raynald*, 1453, no. 19.), for offering for sale plenary indulgences on the authority of fictitious bulls, and amongst other things for having pretended to have the power *animas parentum et amicorum pro certo pretio pecuniarum a purgatorio et inferno extrahendi*. In old prayer books of the end of the 15th, and beginning of the 16th centuries, there is a form of prayer to the Holy Virgin, accompanied with the assurance that Sixtus IV. had granted indulgence for 11,000 years eam devote recitantibus (see *Amort* I. p. 52. *Archief voor kerkelyke Geschiedenis* I. p. 243), which Amort, though only from internal evidence, pronounces to be a fiction. In a Dutch prayer book of the beginning of the 16th century, many similar prayers are accompanied by similar indulgences, see *Archief*, I. p. 241 seq. One with an indulgence of more than 100,000 years. *Johannes Major* (see § 135, note 3) in Sent. IV. Dist. 20. Qu. 2: *fatae et superstitiones sunt quædam inscriptiones viginti milliorum annorum, ubi quis dixerit quinque Pater noster ante taleni imaginem, etc. Et deberent Prælati illas rejicare et prohibere, quia cedunt in derisum et contemptum indulgentiarum, nec continent veritatem.* How far this sometimes went is seen from the passage of *Bernardino Corio*, who in his *Historia di Milano*, written about 1500, relates (ed. Venet. 1565. 4to. p. 629) that Boniface VIII. granted, on application of Galeazzo Visconte the Jubilee-indulgence to Milan, A. D. 1301, *cioè, che ciascuno nel dominio del Visconte, se unco non fosse contrito, ne confessò, fosse assoluto di ogni peccato, in questa citta dimorando dieci di continui; ma ogni giorno dovesse visitare cinque Chiese, etc.* The *Congregatio Indicis*, A. D. 1621, ordered this passage to be omitted (*Muratorii Scriptt. Rer. It.* IV. p. 123).

²⁵ cf. *Jo. Huss Quæstio disputata ann. 412*, in the *Hist. et Monum. Jo. Hussi* I. p. 232, see below, § 149, note 14. As early as 1433, the clergy in Landshut, entered a complaint at the Council of Basil, de abusu Quæstuariorum, see *Amort* II. p. 37. Afterwards the abuse grew still worse. Compare *Johannes Major* (see § 135, note 3) in Sent. lib. IV. Dist. 20. Qu. 2: *Innumeris sunt indulgentiis abusus, potissimum per eos, qui eas falso comminiscuntur. Deinde magnæ fiunt impensæ, ut habeantur, et habita ab Episcopis divulgari permittantur. Mille quoque modi a quæstuaris istis adinventi pro habenda pecunia a plebe. Laudo factum optimi cujusdam viri et doctissimi Joannis Raulini († 1514), qui, cum in theologia Licentiatus esset, et hi quæstuarii sibi offerrent pecuniam pro suo Doctoratu ea lege, ut cum eis proficeretur de parochia in parochiam concionando; quanvis pauper esset, id tanquam se indignum recusat. Quales confessores admittantur in his locis publicis, Deus novit, et quam celeriter finem imponant, ut lanam ab ovibus colligant!* Nam ubi solent esse casus conscientiæ intricatissimi, quibus in promptu vix posset respondere consummatus theologus, asellus quispiam ægre capiens significationem propositi casus omnia ocyssime expediet. A monk, *Thomas*, who lived before Luther's time, gives the following description of this traffic in indulgences (in *Florimundi Ræmundi de ortu et progressu hæresium* lib. I. c. 8. ed. Colon. 1614. p. 63 seq.): *utque tanto melius ac facilius deglubere eos (populos) possint, cum Parochis rem et consilia conferunt, dicentes: Domine Paroche, apportamus indulgentias plenarias. Quod si vestro mandato populus convenerit, et processiones factas fuerint, nos tertiam ejus, quod inde collegerimus, vobis dabimus, et de bonorum hominum fortunis una lœti convivabimur. Ibi Parochus concubinarius, indoctus, mercenarius et non pastor, quo ventrem suum replere et scortum alere possit, cum istis Bullarum portatoribus transigit. Qui pecunia per*

universally considered as a mere matter of traffic,²⁶ and it was con-

fas et nefas collecta convivantur, saltant, genioque indulgent. cf. *Mich. Menot*, below, note 30. See also *Joannis Episc. Chemensis* (see § 135, note 29) onus Ecclesiæ c. 15. *Frunc. Belcarius* (*Beaucaire*) bishop of Metz († 1591) commentarii rerum Gallicarum lib. XVI. no. 15, of the indulgence traffic under Leo X.: Tanta pontificiorum ministrorum impudenter erat, ut harum (indulgentiarum) obeundarum munus palam nondinarentur inter se, et nonnunquam parum sobrii, præsertim in Germania, in diversoriis aut alias, aut alio ludi genere ad alios transserent. Of the noted Dominican, John Tetzel, who hawked about the papal indulgences in Germany, first as commissioner of Arcimbaldus, and then of the Elector Albrecht of Mayence, the following account is given by Frederick Mecum or Myconius, then a Franciscan in Annaberg, in his history of the reformation (ed. by E. S. Cyprian, 2te Ausg. Leipzig, 1718. 8vo. S. 14): "Incredible is it how far this ignorant and shameless monk dared to go. He said that if a man had slept with his own mother, he could buy of the Pope absolution therefor, and that if the Pope forgave him, God also must forgive him. Also that if they made haste to give in their money, and bought grace and absolution enough, all the mountains about Annaberg would become clear silver. Also, that as soon as the ring of the money was heard in his bason, the soul for which it was put in would ascend out of purgatory.—Such was the reverence in which the indulgence was held, that when Tetzel came into a city, the bull was carried before him on a velvet or a golden cloth, and all the priests, monks, the Council, schoolmasters, scholars, the men, women, and children went in a procession with flags and torches, to meet him. Then all the bells were rung, all the organs played, he was escorted into the churches, a red cross erected in the midst, on which the Pope's banner was hung, &c. — Ad 1517, when Tetzel offered indulgences for sale in the countries bordering on Saxony, for the building of St. Peter's, *Myconius* relates, p. 20: His impudence now passed all bounds. He gave letters of indulgence for sins, which men intended to commit. He said that the Pope had more power than all the apostles, all the angels and saints, and even than the Virgin Mother herself. For these were all inferior to Christ, but the Pope equal to him. Nay, that since the ascension Christ would exercise no more authority in the church till the day of judgment, but had committed all power to the Pope as his vicar. Similar accounts of Tetzel's proceeding by *Luther*, in his book against Hansworst, 1541, from which *Sleidanus*, lib. XIII. ed. am Ende, II. p. 208, gives extracts: the passage: Is inter alia docebat, se tantam habere potestatem a Pontifice, ut etiam si quis virginem matrem vitiasset ac gravidam fecisset, condonare crimen ipse posset interventu pecuniae: deinde non modo jam commissa, verum etiam futura peccata condonabat, has led to much controversy whether it should not read *virginem aut matrem*. The character of these hawkers is seen from what is said by the papal legate, Cardinal Raymund, who wrote to the German princes, 1503 (see *Bernardi Wittii*, a Benedictine in Liesborn, hist. Westphaliæ, written 1517, ed. Monast. 1778. 4to. p. 610): Quanto nos magis istis pecuniis pepercimus, tanto inhonestius quidam ex nostris Commissariis eas disperserunt: in pluribus enim diœcesibus, ubi non fuimus in propria, nihil penitus de tertia parte remansit propter corum excessivas expensas atque immoderatos usus. Sunt enim plures, quorum avaritia nec hodie possit satisfieri, etc.

²⁶ Thus *Bernardus Witte*, I. c. p. 587 ad ann. 1490: Eodem anno et sequenti maximæ, immo inaudita præteritis sæculis indulgentiæ pro terra sancta recuperatione per Raymundum, tunc Romanæ Curiæ Protonotarium et Apostolicum Legatum, universum pene nostrum per orbem perlatae sunt, infinitaque pecunia collecta. Verum in eum usum, ubi hactenus translatus fucrat, et hic thesaurus collocatus est. O auri sacra famæ, quantum te Domina mundi cruciat! p. 605, ad ann. 1503: Raymundus — Apostolicæ sedis ad Germaniam Datiamque, etc. Legatus missus, ut Christifideles ad recuperationem terræ sanctæ ac in Turcos Christi inimicos in pugnam animaret, promissa peccatorum indulgentia cunctis, qui contra Turcum militare vellent, parum quidem profecit, as autem inopis et simplicis vulgi Romanæ Ecclesiæ gazis impedit. — Surdenter profecto opulentum aures Evangelio, nec divinus sermo Principibus auditus est: contenti præsenti rerum statu potentes futurum Christi regnum nonnisi morientes inquirunt. Credula paupertas facile prædicatoribus obedit. P. 653, ad ann. 1513: of the absolution, which Arcimbaldus

stantly occurring that what was offered as the highest spiritual gift, was altogether rejected by the temporal princes,²⁷ or regarded with suspicion,²⁸ or bitterly complained of.²⁹ There were some also who opposed the whole system of indulgences as injurious to all true religion and morals,³⁰ though, for the most part, they only made themselves the objects of persecution.

was commissioned by Leo X. to offer for sale, the proceeds being destined to the building of St. Peter's church at Rome. *Hujus rei gratia et quia in superioribus annis sub Alexandro et Julio summis Pontificibus similes quasi indulgentiae emissae fuerunt, provincia nostra satis extenuata est sed utinam vel Romana Curia semel satiata! sed perpetuam quis saturabit esuriem?* *Trithemii Chron. Hirsaugiense ad ann. 1490. T. II. p. 536,* of the sale of indulgences by Raymund: *Multa certe florenorum millia ex ea gratiarum largitione per Germaniam fuere collecta, quorum tamen nescio si vel unus denarius in praedicatum Cruciatæ opus contra Turcos fuerit expositus.* *Guicciardini historia d'Italia, l. XIII.*: Leone aveva sparso per tutto il mondo senza distinzione di tempi e di luoghi indulgenze amplissime, non solo per poter giovare con esse a quegli, che ancora sono nella vita presente, ma con facultà di potere, oltre a questo, liberare le anime dei defuncti dalle pene del purgatorio; le quali cose non avendo in se nè verisimilitudine, nè autorità alcuna, perchè era notorio, che si concedevano solamente per estorquere danari dagli uomini, che abbondano più di semplicità, che di prudenza, ed essendo esercitate impudentemente dai commissari diputati a questa esazione, la più parte dei quali comperava dalla corte la facultà di esercitarla, aveva concitato in multi luoghi indignazione e scandalo assai, e specialmente nella Germania. How far the proceeds of these sales were from being uniformly applied to the purpose for which they were professedly intended, see *Guicciardini* ed. Venet. 1592, p. 395 b. il Pontifice (Leone), il quale per facilità della natura sua essercitava in molte cose non poca maestà l'ufficio pontificale, donò a Maddalena sua sorella l'emolumento e l'essazione delle indulgenze di molte parti di Germania. *Leonis X. epist. ad Albertum Electorem Mogunt.* dd. 26 Nov. 1517 (in H. Schmidt's Einleitung zur Brandenb. Kirchen u. Reformations-Historie. Berlin, 1718. 4to. S. 244: *Fraternitati Tuæ committimus et mandamus, ut postquam acceperit dictum librum Titi Livii* (namely, the 23 de *bello Macedonico*), ipsi Johanni solvat seu solvi faciat CXLVII Ducatos auri de Camera ex pecunis indulgentiarum concessarum per illas provincias in favorem fabricæ Basilicae Principiorum de Urbe.

²⁷ For the year of Jubilee, 1450, the Teutonic Order forbade all their dependants to make the pilgrimage to Rome, see Voigt in Raumer's hist. Taschenbuche f. 1833. S. 138. For the Post-Jubilee-year, 1451, the sale of the indulgences was committed to the four bishops of Prussia, but a part of the proceeds were to be paid into the papal treasury, and the bull commissioning them was to cost 1,000 ducats. The ambassador of the Order at Rome writes to the Grand-Master, p. 142: "All which being taken into consideration, my Lord, you will readily see that this absolution is quite too dear; and if I might offer my poor advice, it would be rather to beg to be excused from it than to introduce it into the country, since its chief effect will be to carry away from us our money." The Order agreed in this view of the subject, and did not allow the indulgence to be exposed for sale.

²⁸ When about to put up for sale a Jubilee-indulgence for the year 1466, the German Diet stipulated that the money should be delivered neither to the Pope, nor the Emperor, but to them. See Müller's Reichstagstheatrum, Th. 2. S. 216 seq. Cardinal Raymund was not allowed to proclaim the Jubilee-year 1500, in Germany, till the commissioners of the Diet in Nuremberg had bound him by a contract to deposit the amount destined to carry on the war against the Turks under four locks (*Raynald*, 1500. no. 20. Sammlung der Reichsabschiede, Bd. 2. S. 96 ff.).

²⁹ See M. Meyeri epist. ad Æneam Sylv. see § 132, note 17. *Gravamen Nat. Germ. VIII. A. D. 1510.* see § 134, note 8.

³⁰ Nicholas V. 1448, had to take measures (see the bull in *Raynald*, ad h. a. no. 9), because in nonnullis Burgundiae partibus plerique sacerdotes Presbyteri,—

For the hierarchy measured their favor by the degree of blind submission which they found to their commands. For the submissive they knew how to reconcile the demands of Christianity with the entire gratification of their desires, whilst the refractory they persecuted without mercy, even though they might be animated by the purest zeal for religion and morals. The catalogue of the sins of disobedience was yearly lengthened, and on the Thursday before Good Friday, the most solemn anathemas were affixed to them.³¹

etiam nonnunquam in sermonibus publicis ad populum — habitis, aliqua piarum aurium offensiva, — et præsertim indulgentiarum et remissionum peccaminum, necnon clavium Ecclesiæ, et sacramenti pœnitentiae materias concernentia affirmantur, — unde ibi gravia scandala successerunt. — Amongst the errors of the Franciscan, John Vitriarius, in Paris, condemned by the Sorbonne in 1498, were the following (*d'Argentré I. II. p. 341*): VIII. *On ne doit point donner d'argent aux Eglises pour les pardons* (which the Sorbonne designates as: scandalosa, devotionis fidelium diminutiva, falsa, reparanda). IX. *Les pardons ne sont point donnés pour les Bourdeaulx* (Est indiscrete populo prædicata, scandalosa in religiosos domos, quibus collata sunt indulgentiæ). X. *Les pardons viennent d'enfer* (Est piarum aurium offensiva, scandalosa, in Ecclesiam et claves Ecclesiæ blasphemia, hæretica, reparanda, si fuerit prædicata). In 1517, on the other hand, Michael Menot could preach with impunity (see § 145, note 10) (*Sermones quadragesimales. Paris. 1526. 8vo. fol. 147. b.*) : *Vultis, quod ego dicam vobis unum verbum? Numquam theologi fecerunt mentionem, nec posuerunt manum in istis indulgentiis: aut si fecerunt, raro et modicum. Videatis Joannem Andreæ, Panormitanum, et omnes Canonistas, qui dicunt de indulgentiis parum. Scotus parum. — Sed soli caffardi eas prædicaverunt cum infinitis mendaciis, ut populum decipient: qui sæpe sunt parvi diaboli, quando sunt in taberna: quibus non est quæstio, nisi de luxuria, de ludo, etc. Dic si vis: quid ergo est? oportet ire ad magnam indulgentiam, quæ est contritio. Et si hoc facias, promitto tibi, quod Magdalena promissum est. Vade ad lachrymas cordis: effunde abundanter. Deus non dixit ei, quod poneret quinque solidos in truncō, sed dixit ei: fides tua te salvam fecit* (Luc. vii. 50). — *Philippus Turrianus*, dominus s. Spiritus commendator 1509, preached against indulgences, see *Conspicetus hist. Univers. Viennensis Sæc. II.* (Viennæ, 1724. 8vo.) p. 73: diversas contra indulgentias cum populi offendicula propositiones palam effutivis ferebatur, and was punished by a fine. Ulrich Kraft, a preacher in Ulm († 1516, see *Veesenmeyer comm. de vicissitudinibus doctrinæ de s. cena in Eccl. Ulmensi. Norimb. 1789. 4to. p. 8*) said publicly of Tetzel: “Here is a decoy bird coming, who wants to talk your money out of your purses. Believe him not, dear friends, Christ alone is our absolution and our sacrifice, who has already done and paid for us enough.” See *Vogel's Leben des pâbstl. Gnadenpredigers, oder Ablasscrämers J. Tezels* (Leipz. 2te Aufl. 1727. 8vo.). Besides these, *Wolf*, in his *Lectiones memorables*, mentions the following persons, as opponents of the sale of indulgences in the beginning of the 16th century (extracted in *Flacii catalogus test. verit.*): *Sebastianus*, D. theol. and canon in Erfurt (see *Flacius ed. Francof. 1666. p. 827*), *Ludolph Castrick*, Pastor of St. Michael's Church in Magdeburg (*Flacius, p. 833*), *Joh. Pfennig*, preacher in Nuremberg, afterwards in Annaberg, who, when about to flee into Bohemia to escape from persecution, was seized and kept in prison by the bishop of Meissen (*Flacius, p. 841*). *G. Fabricii Annal. urbis Misn. p. 78*), *Tilemann*, a monk in Gröningen (*Flacius. p 842*).

³¹ Compare § 117, note 17. See the *Bulla cœnæ*, which Paul II. published 1468, and which was especially directed against George Podiebrad, Gregory of Heimburg and others, in *Cypriani tabularium Ecclesiæ Romanæ. Francof. et Lips. 1743. 4to. p. 38 seq.* Leo X's *Bulla cœnæ*, A. D. 1515, see in *Wittii hist. Westphaliæ*, p. 647, and *Hartzheim Concill. Germ. T. VI. p. 144*: *Consueverunt Romani Pontifices, prædecessores nostri, ad retinendum puritatem religionis Christianæ — arma justitiæ per ministerium Apostolatus in præsenti celebritate exercere. Nos igitur vetustum et solemnum hunc morem sequentes, excommunicamus et anathematizamus ex parte Dei omnipotentis, Patris, et Filii, et*

Even the Synods confessed that ban and interdict were often unjustly

Spiritus Sancti, auctoritate quoque beatorum Apostolorum Petri et Pauli ac nostra, omnes haereticos, Gazaros, Patarenos, Pauperes de Lugduno, Arnoldistas, Speronistas, Passagerios, Wiclevistas seu Hussitas, Fratricellos, de opinione nuncupatos, et quoslibet alios haereticos, ac omnes fautores — corundem. Item excommunicamus et anathematizamus omnes violatores et perturbatores libertatis ecclesiasticæ, — et eos præscritum, qui — Ecclesiis et ecclesiasticis personis sine licentia speciali Romani Pontificis — onera — imponunt. — Item — omnes piratas, cursarios, — præcipue qui mare nostrum a monte argentario usque ad Terracinam discurrent, et navigantes in illo deprædarunt — hactenus præsumperunt, ac omnes receptatores eorundem. — Item — omnes, qui in terris suis nova pedagia imponunt vel prohibita exigunt. Item — omnes falsarios Bullarum seu literarum Apostolicarum. — Item — omnes illos, qui equos, arma, ferrum, ligamina, et alia prohibita deferunt Saracenis, Turcis et aliis Christi nominis inimicis, quibus Christianos impugnant. Item — omnes impudentes seu invadentes virtutia, seu alia, ad usum Romanæ Curiae necessaria, adducentes: — cujuscunque fuerint ordinis, præminentiarum, conditionis et status, etiam si Pontificali, Regali, Reginali, aut alia quavis ecclesiastica, vel mundana præfulgeant dignitate. Item — omnes illos, qui ad Sedem Apostolicam venientes, et recedentes ab eadem — spoliant, — mutilare vel interficere presument. — Item — omnes temere mutilantes, — interficienes, capientes — Patriarchas, Archiepiscopos, eorumque mandatores. Item — omnes illos, qui — personas — ad Romanam Curiam super eorum causis et negotiis recurrentes, — aut — Procuratores ipsorum, vel etiam Auditores seu Judices super dictis causis — deputatos occasione causarum — ejusmodi verberant, — vel occidunt, seu bonis spoliant (see § 136, note 4) — : ac illos, qui, ne literis et mandatis et Apostolicae Sedis, et Legatorum — ejusdem — non habito primo eorum beneplacito et assensu pareatur, — sub gravissimi poenis prohibere (see § 136, note 5), — quive in animarum eorundem periculum se a nostra, et Romani Pontificis pro tempore obedientia pertinaciter subtrahere — præsumunt: quive jurisdictionem seu fructus ad ecclesiasticas personas pertinentes usurpant vel arripiunt (§ 136, notes 2, 3): — cujuscunque præminentiarum — fuerint, etiamsi Pontificali, Regali, Reginali, vel quavis alia præfulgeant dignitate. Item — omnes mutilantes, vulnerantes, interficienes, seu capientes et detinentes, seu deprædantes Ronipetas. — Item — qui — occupant, detinent, vel hostiliter destruunt, seu invadunt — aliam urbem, regna Siciliae vel Trinacriae, insulas Sardiniae et Corsicae, terras citra Pharam, patrimonium b. Petri in Tuscia, Ducatum Spoletanum, Comitatum Venaysinum, Sabinensem, Marchiae Anconitanæ, Massæ, Trebariæ, Romandiæ, Campaniæ, et Maritima provincias, et terras specialis commissiones Arnolphonum, Bononiensium, Ferrariensium, Beneventanorum, Perusii, Avinionensis civitatis, Castelli, Tuderti, et alias civitates, terras, et loca vel jura ad ipsam Romanam Ecclesiam spectantia. — Non obstantibus quibuscunque privilegiis — eis — concessis, quod excommunicari vel anathematizari non possint per literas Apostolicas non facientes plenam et expressam — de — nominibus omnibus propriis — mentionem: nec non consuetudinibus — contrariis. — Et a quibus quidem sententiis nullus per alium, quam per Romanum Pontificem, nisi duntaxat in mortis articulo constitutus, absolviri possit: nec etiam tunc, nisi de stando s. Romanæ Ecclesiae mandatis, satisfactione vel sufficienti cautione præstitis. — Illos autem, qui contra tenorem præsentium talibus — absolutionis beneficium impendunt de facto, excommunicationis et anathematizationis sententia innodamus: — et declarantes, — nos gravius contra eos spiritualiter et temporaliter — processuros: et nihilominus quidquid egerint absolvendo vel alias, nullius sit roboris ac momenti. Ut autem hujusmodi nostri processus ad communem omnium notitiam deducantur, chartas sive membranas processus continentis eosdem in valvis Basiliacarum Principis Apostolorum, sanctique Johannis Lateranensis de urbe affigi, seu appendi faciemus, quæ processus ipsos suo quasi sonoro præconio et patulo indicio publicabunt, ut hi, quos processus hujusmodi contingunt, quod ad ipsos non pervenerint, aut quod ipsos ignoraverint, nullam possint excusationem prætendere, seu ignorantiam prætendere, cum non sit verisimile, quod ipsos remanere incognitum, quod tam patenter omnibus publicatur. (Concerning this mode of publication see § 59, note 33; § 96, note 6; § 100, note 9.) Verum ut præsentes literæ, ac omnia in eis contenta, eo fiant notiora, quo in plerisque civitatibus et locis fuerint publicata, Venn. fratribus nostris Patriarchis, Prinatibus, Archiepis-

imposed, and rebuked the Popes for their haste.³² And it is not to be wondered at that as the respect for the hierarchy sank lower and lower, till their censures were often as little regarded by men³³ as by the reptiles and insects, against which they were not unfrequently directed.³⁴

§ 147.

INQUISITION.

During the papal schism and the period of the reforming councils, the power of the Inquisition seemed to be broken with that of the hierarchy;¹ but with the revival of this last the Inquisition also revived, and commenced in Spain and Germany a course more deeply marked than ever by cruelty and bloodshed.

In Spain² the occasion for this cruelty was afforded by the Jews, who, from A. D. 1391, had been forced in appearance to embrace Christianity, but in private had continued to worship according to the religion of their fathers.³ The Inquisition established to inquire into, and bring to judgment this heresy, assumed a character hitherto unknown, however, from the circumstance, that the king and queen, Ferdinand and Isabella, were empowered by the Pope to appoint the Inquisitors (1478), and to confiscate for the royal use the estates of

copis, Episcopis, et locorum Ordinarii ubilibet constitutis per hæc scripta committimus, et in virtute sanctæ obedientiæ districte præcipiendo mandamus, quatenus per se, vel alium, seu alios, præsentes literas, postquam eas reeiperint, seu earum habuerint notitiam, saltem semel in anno, aut pluries, prout expedire viderint, in Ecclesiis suis, dum major in eis populi multitudo ad divina convenerit, solemniter publicent, et ad Christiudicium mentes deducant et declarant.

³² See Conc. Basil. above, § 131, note 23.

³³ See § 135, note 29.

³⁴ Compare Müller's *Schweizergeschichte*, neue Aufl. Leipzig, 1826. Th. 4. S. 246 ff. One case is related by Valerius Anshelm Berner Chronik. Bd. 1. S. 206 seq. A. D. 1479.

¹ Thus *Jacobus Carthusianus* (see § 135, note 31) de arte eurandi vitia (in v. d. Hardt Autographa Lutheri præf. p. 47) could say openly: Utinam moderni theologi ac Prælati ordine procederent in correctionibus: non esset opus tot homines igne cremari. Sperandum melius esset de pluribus, si viderent vestigia Christi in Prælatis et theologis, qui per mansuetudinem sue doctrinæ, et per pietatem omnes vicit, et trahendos ad se traxit. Moderni autem non sic. Sed qui nifitur informari rationibus, exposcens rationem de fide, non sunt parati reddere rationem, ut tamen docet fieri b. Petrus. Sed statim fremunt dentibus, acclamantes: *hæreticus est, comburatur*. Sieque attrahendos exasperant, et exasperatos repellunt, et, si possunt, damna honorum et corporis illis procurant. Quia omnia Christus non docuit, sed omnia prohibuit. Inde accidit, quod moderni nil proficiant, sed potius Ecclesiam Dei diminuant. Et cunctos, etiam timoratos, scandalisant.

² *Lud. a Paramo* de origine et progressu officii sanctæ Inquisitionis. Matriti, 1598. fol. Spittler's Entwurf der Gesch. der span. Inquisition, vor der Sammlung der Instructionem des span. Inquisitionsgerichtes, übers. von J. D. Reuss. Hannover, 1788. 8vo. *Histoire critique de l'inquisition d'Espagne* par D. Jean Ant. Llorente. Tomes IV. à Paris. 1817, 1818. 8vo.

³ *Llorente*, I. p. 141 seq.

the condemned. Two inquisitors were first appointed (1480), but though they showed themselves, as it might have seemed, sufficiently active in their bloody work,⁴ they were soon displaced, and Thomas de Torquemada appointed Inquisitor General (1483).⁵ By him a regular system was introduced. Inquisitors were stationed in every place of any note, and provided with the most particular instructions.⁶ These again surrounded themselves with assistants (*familiares Sancti Officii*). All resistance even of the civil authorities was put down by the most fearful means.⁷ The burning piles of the victims were altars on which at once reason was sacrificed to fanaticism, and civil liberty to royal despotism.⁸ The bishops, instead of assisting in the judgment, were obliged to submit to the new Inquisition,⁹ and even the popes were not able to restrain this monster of their own creation.¹⁰

⁴ *Llorente*, I. p. 145 seq. Compare *Sixti* IV. epist. ad *Ferdinandum et Isabellam*, dd. 29 Jan. 1482, in *Llorente* IV. p. 347: Quo factum est, ut multiplices querelæ et lamentationes factæ fuerint, tam contra nos de illarum (literarum) expeditione hujusmodi, quam contra Majestates vestras et contra dilectos filios Michaelem de Morillo Magistrum, et Joannem de s. Martino Baccalaureum in theologia, Ordinis Prædicatorum professores, quos dictarum litterarum prætextu inquisitores in vestra civitate Hispalensi nominastis, pro eo quod (ut asseritur) inconsulte, et nullo juris ordine servato procedentes, multos injuste carceraverint, diris tormentis subjecerint, et hæreticos injuste declaraverint, ac bonis spoliaverint, qui ultimo suppicio affecti fuere: adeo ut quam plures alii justo timore perterriti in fugam se convertentes hinc inde dispersi sint, plurimique ex eis — ad sedem Romanam, oppressorum ubique tutissimum refugium, confugerint.

⁵ *Llorente*, I. p. 172 seq.

⁶ The earliest dates 29 Sept. (according to *Llorente*, 29 Oct.) 1484, may be seen in the Sammlung der Instructionen des span. Inquisitionsgerichtes, übers. v. J. D. Reuss, S. 1 ff., extracted in *Llorente*, I. p. 175 seq.

⁷ See the efforts of the Cortes of Arragon at Rome, against the new Inquisition, especially against the system of confiscation, *Llorente*, I. p. 187; murder of an Inquisitor in Saragossa, 1485, p. 189; disturbances at the same time in all Arragon, p. 211; renewed resistance of the Cortes of Arragon, 1510, p. 371; united efforts of the Cortes of Castile, Arragon, and Catalonia, against the Inquisition at the accession of Charles V., 1518, p. 376 seq.

⁸ Ranke's *Fürsten u. Völker von Südeuropa im sechzehnten u. siebzehnten Jahrh.* vornehmlich aus ungedruckten Gesandtschaftsberichten, Bd. I. (Hamburg, 1827. 8vo.) S. 241. In what regard the new Inquisition was at first held in Spain may be seen from *Sixti* IV. epist. ad *Isabellam*, dd. 23 Febr. 1483, in *Llorente*, IV. p. 354: Quod autem dubitare videris, nos forsan existimare, cum in perfidos illos, qui Christianum nomen ementiti Christum blasphemant, et judaica perfidia crucifigunt, quando ad unitatem redigi nequeant, tam severe animadvertere cures, ambitione potius et bonorum temporalium cupiditate [te agi], quam zelo fidei et catholicæ veritatis, vel Dei timore; certo scias, ne ullam quidem apud nos ejus rei fuisse suspicionem. Quod si non defuerint qui ad protégendum eorum scelera multa susurrarint, nihil tamen sinistri de tua vel — consortis tui illustris devotione persuaderi nobis potuit.

⁹ The first archbishop of Granada, Ferdinand de Talvera, having sought to counteract the influence of the Inquisition, in his capacity as confessor to the queen, was brought to trial, and only saved by the influence of the Pope, *Llorente*, I. p. 341.

¹⁰ The Popes at first tried to draw some advantage from the new Institution, by selling absolution for the crime of apostacy, but this met with so much opposition both from the Inquisition and the royal power, that Alexander VI. had at length to annul all that had been granted, 23 Aug. 1497, *Llorente*, I. p. 239 seq. In like manner they at first sold privileges, by which individuals were taken from the

In 1492, by Torquemada's advice, all Jews who refused to embrace Christianity, were expelled from the kingdom, and in 1502 a like fate was decreed for the Moors in Granada, notwithstanding the assurances to the contrary made at the peace of 1492. But still for centuries the Inquisition found no lack of victims for its bloody work.¹¹ Fear and mistrust mingled in the nearest and holiest relations of life; whilst cruelty, revenge, treachery and hypocrisy became more and more deeply marked in the character of the unhappy people who groaned under this fearful yoke.¹²

jurisdiction of the Inquisition; but on the 15th May, 1502, Alexander decreed that in future the Grand-Inquisitor should be the judge of all such cases of exemption, *Llorente*, I. p. 247 seq.

¹¹ According to *Llorente*, IV. p. 252, up to 1498, when Torquemada resigned his office, there had been 8,800 burned alive, 6,500 in effigy, 90,004 punished in various ways: under his successor, the Dominican, Diego Deza, from 1499 — 1506, 1664 were burned alive, 832 in effigy, 32,456 perished by penance: under the third general Inquisitor, the Cardinal and Archbishop of Toledo, Francis Ximenez de Cisneros, from 1507 — 1517, 2536 were burned alive, 1363 in effigy, 47,263 reconciled to the church.

¹² The orthodox view of this scourge may be seen from the account of the origin of the Inquisition in *Jo. Mariana hist. de rebus Hispaniae* (Toledo, 1592) lib. XXIV. c. 17: *Meliori Hispaniae fato, quod eatenus factum non erat, quaestionibus habendis adversus religionis desertores atque haereticos, aliquis in veram pietatem criminibus vindicandis certi judices designati in Castella sunt, discreti ab Episcopis (quorum eae partes ab antiquo erant), Romani Pontificis auctoritate, et favore Principum armati, Inquisitorum ab officio nomine. Morem in aliis provinciis frequente Italia, Gallia, Germania, ipsaque Aragonia, hoc denum tempore Castella est imitata: neque in studio impios conatus vindicandi se ab ulla gente vinci passa est. Auctor consilii Hispaniae Cardinalis (i. e. *Petrus Gonzalez a Mendoza, Archiepiscopus Hispalensis*). Licentia superiorum temporum multa in ea provincia erant depravata, Mauris Judaeisque cum piis promiscue versantibus nullo non commercii genere. Prava consuetudine usque non paucos e piorum numero infici necesse fuit: plures sacra christiana, quæ suscepserant patria superstitione abdicata, fide inconstanti, nullo vetante deserabant: labes Hispali maxime est grassata: in ea urbe primum quaestionibus arcano habitis de sentibus gravissimis poenis vindicatum est. Nam majori commisso delicto, igne post diuturnum careerem et tormento necabantur; leviori de causa ignominia inurebatur familie perpetua; non pauci bonis publicatis æternis tenebris vinculisque mandati. Rubra crux obliqui radiis ac decussatim in crocea ueste, quan S. Benedicti (*San-Benito*) vocant, plerisque data insignis, a cæterisque discreta, ut essent documento, et magnitudine supplicii terrenter alios. Quod usu salutare extitit, grave initio provincialibus visum est. Illa maxime: parentum scelera filiorum poenis lui; occulto accusatore reos fieri; neque cum indice compositos dainnarī; contra quam olim factum erat, peccata in religionem vindicari morte. Illud gravissimum, adimi per inquisitions loquendi libere, audiendique commercium, dispersis per urbes et oppida et agros observatoribus, quod extrellum in servitute credebat. Ita discrepantibus judiciis, nonnulli mortis poenam removebant, cæterum suppliciorum acerbitates omnes complectebantur: in hoc numero Fernandus Pulgarius arguto atque eleganti ingenio, cuius extat de Ferdinandi Regis rebus gestis historia: alii, quorum melior sententia fuit, qui fœdere religionem, et sanctissimas cærenomias mutare conati essent, eos frui vita et communis spiritu non putabant oportere, bonis et ignominia multando videri, nulla filiorum cura. Praeclare id legibus comparatum, ut caritas liberorum cautiiores parentes reddat. Occulto judicio tergiversationes vitari: neque nisi de convictis aperte, aut confessis poenas sumi. In multis saepe antiquos Ecclesiae mores, prout res et tempora exigunt, mutari: et majorem licentiam majori severitate coercendam videri. Successus opinionem superavit. — Ab hoc initio res in hanc auctoritatem crevit atque potestatem, qua nulla pravis hominibus toto orbe christiano formidabilior est, reipublicæ universæ majori commodo; præsens rcmem-*

In *Germany* the Inquisition was revived in a different manner, though with the same characteristics of cruelty and bloodshed. The heretics in that country had long been suspected of secret connexion with the evil one; and this suspicion made them more the objects of hatred than even their heresy, since no one was supposed to be safe from their arts.¹³ Innocent VIII. took advantage of this to proclaim to the Germans, 1484, that they were in constant danger from sorcerers and witches,¹⁴ and commissioned the two Inquisitors, Heinrich

dium adversus impendentia mala, quibus aliæ provinciæ exagitantur, cælo datum: nam humano consilio adversus tanta pericula satis caveri non potuit.

¹³ Compare E. D. Haubér's *bibliotheca, acta et scripta magica, gründliche Nachrichten und Urtheile von solchen Büchern und Handlungen, welche die Macht des Teufels in leibl. Dingen betreffen.* 36. Stück. Lemgo 1739—1745. 8vo. G. C. Horst's *Dämonomagie, od. Geschichte des Glaubens an Zauberei u. dämonische Wunder, mit besonderer Berücksichtigung des Herenprocesses seit den Zeiten Innocentius VIII.* 2. Th. Frankf. a. M. 1818. *Ibid. Zauberbibliothek.* 6 Theile. Mainz, 1821—1826. 8vo.

¹⁴ In the bull *Summis desiderantes affectibus*, dd. Non. Dec. 1484, incomplete in the Lib. septimus *Decretall.* Lib. V. Tit. 12. c. 4, complete in Haubér's *bibl. mag.* St. I. S. 1 ff. Horst's *Dämonomagie.* Th. 2. S. 17 ff.: *Nuper ad nostrum — pervenit auditum, quod in nonnullis partibus Alemanniae superioris, necnon in Moguntinensi, Coloniensi Trevirensi, Salzburgensi et Bremensi provinciis — complures, utriusque sexus personæ, propriæ salutis imminores, et a fide catholica deviantes, cum daemonibus, incubis et succubis, abuti, ac suis incantationibus, carminibus et conjurationibus — mulierum partus, animalium fœtus, terræ fruges, vinearum uvas, et arborum fructus, necnon homines, mulieres, pecora, pecudes, et alia diversorum generum animalia, vineas quoque, pomaria, prata, pascua, blada, frumenta, et alia terræ legumina perire, suffocari et extingui facere et procurare, ipsosque homines, — et animalia diris tam intrinsecis quam extrinsecis doloribus et tormentis afficere et excruciare, ac eosdem homines, ne gignere, et mulieres, ne concipere, virosque, ne uxoribus, et mulieres, ne viris actus conjugales reddere valeant, impeditre: fidem præterea ipsam, quam in sacri susceptione baptismi suscepserunt, ore sacrilego abnegare, aliaque quam plurima nefanda, — instigante humani generis inimico, committere et perpetrare non verentur. — Quodque licet dilecti filii, Henricus Institoris in prædictis partibus Alemanniae superioris, — necnon Jacobus Sprenger per certas partes lineæ Rheni, Ordinis Predicatorum, et theologiae professores, hereticæ pravitatis inquisitores per literas Apostolicas deputati fuerunt: tamen nonnulli Clerici et laici illarum partium, querentes plura sapere quam oporteat, pro eo quod in literis deputationis hujusmodi provinciæ, — ac excessus hujusmodi nominatim et specificie expressa non fuerunt, — præfatis inquisitoribus in provinciis — prædictis hujusmodi inquisitionis officium exequi non licere, — pertinaciter asserere non erubescunt. — Nos igitur, — ne contingat, provincias — et loca prædicta — debito inquisitionis officio carere, eisdem inquisitoribus in illis officium inquisitionis hujusmodi exequi licere — tenore præsentium statuimus. Proque potiori cautela literas et deputationem prædictas ad provincias — et criminia hujusmodi extenderentes, præfatis inquisitoribus, quod ipsi — in provinciis — prædictis contra quasunque personas — hujusmodi inquisitionis officium exequi, ipsasque personas, quas in præmissis culpabiles repererint, juxta earum demerita corriger, incarcерare, punire, et multaret; necnon in singulis provinciarum hujusmodi parochialibus Ecclesiis verbum Dei fideli populo, quoties expedierit ac eis visum fuerit, proponere et prædicare, omniaque alia et singula in præmissis et circa ea necessaria et opportuna facere, et similiter exequi libere et licite valeant, plenam ac liberam eadem auctoritate de novo concedimus facultatem. Et nihilominus ven. fratri nostro Episcopo Argentinensi per Apostolica scripta mandamus, quatenus — non permittat, eos quoscunque super hoc — molestari, seu alias quomodolibet impediri; molestatores et impeditientes et contradictores quoslibet, et rebelles, cujuscunque dignitatis, status, gradus, præminentiae, nobilitatis, et excellentiae aut conditionis fuerint, et quoquaque exemptionis privilegio sint muniti,*

Kramer and Jacob Sprenger to purge the land of them. To convince the incredulous, and bring their new business into regular train, these men published the Hexenhammer (*Malleus maleficarum*. Colon. 1489. 4to.).¹⁵ A few only of the more clear-sighted ventured to declare against this delusion, but their opposition was both dangerous to themselves and ineffectual.¹⁶ Many who were entirely innocent

per excommunicationis, suspensionis et interdicti, ac alias etiam fornidabiliores, de quibus sibi videbitur, sententias, censuras et poenas, omni appellacione postposita, compescendo: et etiam legitimis super his per eum servandis processibus sententias ipsas, quoties opus fuerit, aggravare et reaggravare auctoritate nostra procuret, invocato ad hoc, si opus fuerit, auxilio brachii saecularis.

¹⁵ Concerning the various editions of this work see Hauber, St. I. S. 39 seq.; II. S. 90 seq.; V. S. 311 seq. It consists of three parts. P. I. treats super tria, quae ad maleficiale effectum concurrunt, ut sunt Daemon, maleficus et divina permissione; P. II. super remedia praeservativa and super remedia maleficia amoenentia; P. III. super remedia ultima contra personas maleficarum.

¹⁶ In Evreux as early as 1453, Wilhelminus Edelinus, Doctor of Theology, and Prior of St. Germain en Laye, was condemned to perpetual imprisonment for secret dealings with the evil one, see *Chroniques d'Enguerran de Monstrelet* (à Paris, 1572), vol. III. fol. 63. The particular charge against him may be seen from the work of a contemporary, the Dominican *Nicholai Jaquerii* († in Ghent, 1471), *flagellum haereticorum fasciniorum* (ed. Francot. 1581. 8vo.), cap. 5. The schedule, in which the unhappy man had written out the offences put upon him, continebat inter cætera, quod, quando ipse fuit introductus ad dictam sectam, Diabolus asserebat, quod ipse Magister Guilhelmus bene posset, si vellet, augmentare ejusdem Daemonis dominium, præcipiendo eidem Magistro Guilhelmo prædicare, quod hujusmodi secta non erat nisi illusio, et quod hoc prædicaret ad contundendum populum patriæ, ubi tunc morabatur ipse Magister Guilhelmus. Compare Hauber, St. 15. S. 152 ff. — *Malleus malefic.* P. I. Qu. 1. answers the question: utrum asserere maleficos esse sit a Deo catholicum, quod ejus oppositum pertinaciter defendere omnino sit haereticum. It seems that there were many, who publice prædican, maleficas non esse, aut quod nullo modo valeant hominibus nocere. Hence P. I. Qu. 18. modus prædicandi contra quinque argumenta Laicorum, quibus probare videntur sparsim, quod Deus non permittat tantam potestatem Diabolo et maleficiis circa hujusmodi maleficia inferendu. These arguments were: *Primum sumitur ex parte Dei*: Deus punire potest hominem propter peccata et punit gladio, faine et mortalitate, item diversis aliis infirmitatibus variis et innumeris, quibus humana conditio subjacet: unde quia opus ei non est adjungere alias punitiones, ideo non permittit. *II. ex parte Diaboli*: Si vera essent quæ prædicantur, quod videlicet (Dæmones) vim generativam impidire possunt, ut videlicet mulier non concipiatur; vel, si concipiatur, quod aborsum faciat; vel si non aborsum, quod etiam post partum natos interficiunt: utique sic perimere possint totum mundum. Et iterum posset dici, quod opera Diaboli essent fortiora operibus Dei, scilicet sacramento matrimonii, quod est opus Dei. *III. ex parte hominis*: Videmus, si maleficium debet esse aliquid in mundo, tunc aliqui homines plus alios maleficiantur. De quo si queritur, utique dicitur hoc esse propter punitionem peccatorum: sed hoc est falsum; ergo et illud, quod maleficia sint in mundo. Falsitas autem probatur ex eo, quia tunc majores peccatores amplius punirentur: hoc autem est falsum, cum minus puniantur, quam alii interdum justi. Quod etiam cernitur in pueris innocentibus, qui asseruntur maleficiari. *Quarto potest addi et aliud argumentum ex parte Dei, hoc*: Quod quis impidire posset, et non impedit, sed fieri permittit, utique judicatur ex sua voluntate processisse. Sed Deus cum sit summe bonus, non potest velle malum: ergo non potest permittere, ut fiat malum, quod ipse impidire potest. *Item ex parte morbi*: Defectus et infirmitates, qui dicuntur maleficiales, similes etiam sunt defectibus et infirmitatibus naturalibus, i. e. qui ex defectu naturæ procedunt. Quod enim aliquis claudicat, execetur vel rationem perdit, vel etiam moritur, ex defectu naturæ contingere possunt: unde non possunt securi maleficiis adscribi. *Ultimo ex parte judicum et prædicatorum*, qui, cum talia aduersus maleficas prædicant

were its victims, whilst it proved a ready mode of bringing suspected heretics to justice to accuse them of sorcery,¹⁷ the civil authorities vying with the Inquisitors in the persecution.¹⁸

et practicant, utique propter ingens odium a maleficis contra eos conceptum nunquam essent securi. They who opposed the belief in witches, founded their arguments chiefly on the Decret. Gratiani Causa XXVI. Qu. 5. c. 12, ex Conc. Anquirensi, where the nightly excursions of witches, and their power of changing their shapes is condemned as heathen superstition, and the priests called upon to preach against it. Hence *Malleus malef.* P. II. cap. 3. attempts to show that such opponents in cortice canonis laborarent, and that there are certainly such instances. After mentioning several, he proceeds: Tantummodo hæc sufficient aduersus illos, qui hujusmodi corporales transvectiones aut omnino negant, aut quod solummodo imaginari et fantastice fiant, affirmare conantur. Qui utique in suo errore si relinquerentur, parum esset, imo nec advertendum, dummodo in fidei contumeliam ipsorum error non vergeret. Attento autem quod illo errore non contenti etiam alios inserere, et publicare in maleficarum augmentationem et fidei detrimentum non vererunt, dum asserunt, quod omnia maleficia, quæ eis juste tanquam instrumentis Dæmonum vere et realiter imputantur, eis tantummodo imaginari et illusorie, tanquam innoxii, esse imputanda, sicuti et ipsa transvectio fantastica, unde et pluries impune in magnam creatoris contumeliam et gravissimum ianis ipsorum augmentum remanserunt, etc. Compare P. II. cap. 8. There are two remarkable dialogues in this period, in which the grounds for and against this belief in witches are set forth. Ulricus Molitoris, Decretorum Doctor, a member of the episcopal Council in Constance, wrote one: *De lamiis et pythonicis mulieribus.* Colon. 1498. at the request of the archduke Sigismund of Austria. The grounds against the belief are showed with great power, but at the same time very cautiously, and the decision put into the mouth of the archduke, compare Hauber, St. 2. S. 103 seq. In the dialogue of the Franciscan *Thomas Murner: De pythonico contractu,* Freyburgii, 1499, it is difficult to see what was the real opinion of the author, see Hauber, St. 2. S. 116 seq. Both dialogues are appended to the edition of the *Maleficarum.* Francof. 1580. Svo.

¹⁷ An instance of this occurred in Arras, A. D. 1459, where a large number of persons, who were supposed to be Waldenses, were accused of sorcery, and burned alive, see *Enguerrand de Monstrelet Chroniques.* vol. III. fol. 84. The great jurist, *Franc. Balduinus*, who was himself a native of Arras, says of this event, Comm. in Institutt. lib. IV. Tit. 18. p. 774: Quo gravius et ab hominis ingenio magis alienum est hoc malum (of sorcery), eo major adhibenda est cautio, ne quis ejus prætextu ab adversariis temere obruatur. Facile enim hic quidvis confingere potest ingeniosa similitas, ut et multitudinem statim commoveat, et attonitos judices irritet aduersus eum, quem cum Dæmonibus rem habere mentietur. Ante annos sexaginta sensit infelix nostra patria magno suo malo hujusce generis calumnias. Magna erat Valdensium mentio, quos adversarii jactabant nescio quid commercii habere cum immundis spiritibus. Hujus criminis prætextu optimi quique statim opprimebantur. Sed tandem Senatus Parisiensis causa cognita vidit meras esse sycophantias, infelices reos liberavit, improbos sycophantas cum iniquis judicibus damnavit. Extatque adhuc ejus memorabile hac de re Arrestum, editum XX. die mensis Maji, anno 1491. Compare Hauber, St. 2. S. 64 ff. The *Malleus maleficarum* tries to show that sorcery is the worst heresy (P. I. Qu. 14.).

¹⁸ The *Malleus maleficarum* shows, P. III. in the introduction, that, since crimen maleficarum non est mere ecclesiasticum, imo potius civile propter damna, quæ inferuntur temporalia, therefore judex sacerularis cognoscere et judicare potest usque ad sententiam diffinitivam ad paenitentiam, quam ab Ordinariis recipiet: secus super sanguinem, quam per se ferre potest. Hence also P. III. is intended for the instruction of the civil courts on the subject.

CHAPTER FIFTH.

OPPONENTS OF THE CHURCH OF ROME.

§ 148.

OLDER FANATICAL SECTS.

The *Manichæans* still maintained themselves in Bosnia, where they were the prevailing sect till the king of that country, Stephen Thomas, went over to the Roman church in 1442,¹ and began to persecute them. By this measure, however, he only hastened the fall of his kingdom, which was conquered by the Turks in 1463.² The *Flagellants* also, still existed in secret in Thuringia and Anhalt.³

¹ See Epist. *Benedicti Oretarii Vicentini ad Petrum Donatum Episc. Patavinum*, dd. Rom. Kal. Oct. 1442, in *Martene ampl. coll.* I. p. 1592.

² See the praises bestowed on the king for this persecution in the Pope's letter, *Raynald*, 1445, no. 23. Two Wywodes, Stephen, the king's father-in-law, and John, went back to the heretics after a pretended conversion to the Roman church, and protected the Manichæans. Instructions concerning them in Nicholás V. letter to his legate, *Raynald*, 1449, note 9. The Manichæans went so far as even to call in the Turks to aid them against their king, *Raynald*, 1450, no 13. Stephen Thomas' son and successor, Stephen Thomassowitsch, pacified the Turks, by agreeing to pay them tribute, and then began anew to persecute the Manichæans and confiscate their estates, *Raynald*, 1460, no. 91. cf. *Pii II. commentarii rerum memorab.* a Jo. Gobelino compositi, lib. V. p. 125: Rex Bosnae — ut piaculum traditae Turcis Synderoniae purgaret, ac suæ religionis fidem faceret, sive, quod multi crediderunt, avaritiæ obtentu Manichæos, qui erant in regno suo quam plurimi, nisi baptismum Christi acciperent, e regno migrare coegerit substantia relicita: duo circiter millia baptizati sunt, quadraginta aut paulo plures pertinaciter errantes ad Stephanum Bosnae ducem (Stephen Cosaccia, Duke of Herzegovina) perfidia socium confugere. Tres principes hæreseos in aula Regis potentes Episcopus Nonensis vincitos ad Pontificem duxit, quos Pius per monasteria relegatos edoceri Christianum dogma curavit. Joannes Cardinalis sancti Sixti ad se vocatos instruxit, persuasitque tandem abjuratis erroribus Ecclesia Romanæ, quæ nec falleret, nec falleretur, documenta suscipere: reconciliatos ad Regem remisit (cf. *Raynald*, 1461, no. 136): duo in fide pèrmansero, tertius more canis ad voivitum rediens ex itinere dilapsus ad Stephanum confugit. In A. D. 1463, Stephen was taken prisoner and put to death by the Turks, and Bosnia subdued (*Gobellinus*, lib. XI. p. 311).

³ See their doctrines in § 120, note 8. Flagellants were discovered and punished in Sangerhausen, A. D. 1414 and 1454, in Nordhausen 1446, in Anhalt 1481, see Förstemann die christl. Geisslergesellschaften. Halle, 1828. S. 163 ff.

§ 149.

ATTEMPTS AT REFORM.

JOHN HUSS AND JEROME OF PRAGUE.

Authorities: *Historia et monumenta Jo. Hus atque Hieronymi Pragensis.*

Tomi II. Norimbergæ, 1715. fol.

Against Huss: *Æneæ Sylvii de Bohemorum origine ac gestis historia (Romæ, 1475. fol. and often, e. g. Wolferbyti, 1620. 8vo.) cap. 35, 36. Jo. Cochlaei hist. Hussitarum, libb. XII. apud S. Victorem prope Moguntiam. 1549. fol.*

For Huss: *Hussitenkrieg*: darinnen begriffen das Leben, die Lehre, der Todt M. Johannis Hussi, auch wie derselbe von den Böhmen — ist gerochen, &c. alles aus glaubwürdigen Geschichtschreibern, alten Monumenten und Manuscripten mit Fleiss zusammengetragen durch M. Zachariam Theobaldum. Nürnberg, 1621. 4to.

Works on the subject: *Wilh. Seyfridi diss. de Jo. Hussi Martyris vita, fatis ac scriptis.* Jenæ, 1729. *cum annotationibus J. Chr. Mylii. Hilperhusæ, 1743. 4to.* Lebensbeschreibungen von Huss u. Hieron. v. Prag in W. Gilpin's Lives of Reformers, 2 vols. 8vo. Lond. 1809. Hussens Leben von A u g . Zitte, 2 Theile, Prag, 1789, 90. von J. F. W. T i s c h e r . Leipz. 1798. Leben des Hieronymus v. Prag von T i s c h e r . Leipz. 1802. — Compare the Works on the Council of Constance prefixed to § 130.

The successor of Conrad Stiekna, John Milicz, and Matthew Janow, in the cause of good morals and true piety, was *John Huss of Hussinecz*, Master of Arts, and Teacher of Theology at Prague, and from A. D. 1402, preacher at the chapel of Bethlehem,¹ and confessor to the queen. Huss was converted to Realism, and made a follower of Augustine, by the writings of Wiccliffe, which in their wide circulation had been brought also to Prague.² Without adopt-

¹ Founded by Johann von Mühlheim and the merchant Kreuz 1391 (Pelzel's *Lebensgesch. des Königs Wenceslaus.* Th. 1. Prag, 1788. S. 243): their object is thus stated in the foundation (*Ibid. Urkundenbuch*, S. 102 seq.): *Ego Johannes de Milhem provida consideratione pensans, et animæ meæ salutem, multorumque Christifidelium spiritualem refectionem desiderans, quomodo in civitate Pragensi, licet multa sint loca ad divinos cultus ordinata, nihilominus tamen eadem per plurimos alias sacros actus occupantur pluries, sic quod nullus locus ad privilegium predicationis verbi Dei officium sit ibidem specialiter deputatus, sed prædictores ipsi, specialiter vulgaris Boemici eloquii, plerumque per domos et latebras coguntur, quod non congruit, divagari, quemadmodum saepius notabiliter est compertum: hac igitur consideratione permotus, et ad dictæ prædicationis sanctæ incrementa procuranda attentius animatus — Capellam in honore ss. Innocentium in area providi viri Crucis, civis majoris civitatis Pragensis, quam idem Crux — ad id pie donavit, — quam Bethlehem, quod interpretatur domus panis, censui appellandam hac consideratione, ut ibidem populus communis et Christifideles pane prædicationis sanctæ refici debeant, — decrevi et disposui erigendam.*

² *Æneæ Sylvii hist. Bohem. c. 35:* *Rexerunt scholam Pragensem usque in ea tempora Teutones. Id molestissimum Bohemis fuit, hominibus natura ferocibus atque indomitis. Ex quibus vir quidam genere nobilis, ex domo quam Putridi*

ing all Wicliffe's speculative opinions,³ he learned from him to take a deeper view of the abuses of the church, and by the study of his works was strengthened in his love of truth and goodness. He was therefore zealous in recommending and circulating Wicliffe's writings,⁴ and connected himself intimately with their great advocate, Jerome Faulfisch, commonly called Jerome of Prague; thus drawing upon himself the enmity of the numerous German teachers in the university of Prague, who were one and all Nominalists, and opposers of Wicliffe. After having become famous as a popular preacher, Huss began in the synods to attack the corruptions of the clergy.⁵

piscis vocant, apud Oxoniam Angliae civitatem literis studens, cum Johannis Wyclevi libros offendisset, quibus de realibus universalibus titulus inscribitor, magnopere illis oblectatus, exemplaria secum attulit (about 1402). Inter quæ de civili, de jure divino, de Ecclesia, de diversis questionibus, contra Clerum pleraque volumina, veluti pretiosum thesaurum, patriæ suaे intulit. Imbutus jam ipse Wycleitarum veneno et ad nocendum paratus, tum quo^d erat familiæ suaे cognomen, putridum piscem i. e. fœtidum virus in cives suos evomuit. Commodavit autem scripta, quæ attulerat, his potissimum, qui Teutonicorum odio tenebantur. Inter quos Johannes eminuit, obscuru loco natus, ex villa Hus, qui anserem significat, cognomen mutuatus. Hic cum esset ingenio peracri, et lingua diserta, multumque dialecticis oblectaretur, et peregrinas opiniones amaret, avide admodum Wycleitarum doctrinam arripuit, eaque Teutonicos vexare magistros cœpit, sperans eo confusos Teutones scholas relictuos.

³ Thus in his *tract. de corpore et sanguine Domini*, written in prison in Constance (Hist. et monum. I. p. 47), his views of Transubstantiation are entirely orthodox. Compare also his confession of faith, below, note 12. In his *Responsio ad scripta Mag. Stephani Paletz* he says (Hist. et Monum. I. p. 330): *Ego enim fateor, quod sententias veras, quas M. Joan. Wicleff — posuit, teneo, non quia ipse dicit, sed quia divina scriptura, vel ratio infallibilis dicit. Si autem aliquem errorem posuerit, nec ipsum, nec quemcunque alium intendo in errore, quantumlibet modice, imitari.*

⁴ *Enreas Sylvius*, l. c. relates of his preaching in the chapel: *Qui cum se libenter audiri animadverteret, multa de libris Johannis Wyclevi in medium attulit, assenser in eis omnem veritatem contineri, adjiciensque crebro inter prædicandum, se postquam ex hac luce migraret, in ea loca proficisci cupere, ad quæ Wyclevi anima pervenisset, quem virum bonum, sanctum, cæloque dignum non dubitaret.* The errors of Wicliffe were opposed, 1408, by *Stephanus*, Cartusiæ Dolanensis Prior, though without naming Huss, *Medulla tritici s. Antiwikleffus in Pezii thes. anecdotorum T. IV. P. II. p. 149 seq.*, compare p. 157: *Audivi crebrius, et quadam apostatica lectione ejusdam dialogi et trialogi* (see § 123, note 14) *didici et obstupui, qualiter quidam insani Magistri et homines pestiferi Wikleffitie ordinis et schismatis, canina rabie concitat, cursu præcipiti, profanis et sacrilegis sententiis, et arte diabolica confessis articulis, s. matris Ecclesiæ, magisterio S. Spiritus bene et optime dispositum, ritum et ordinem dedecorant et commaculant; et ausu temerario fabulationis-nequissimas sic impenderent in medium proferunt, ut non solum post discursum peregrinarum nobis terrarum et districtuum, etiam in terris nostris Bohemiae et Moraviae, aulas Principum, collegia et cathedras sacerdotum, scholas studentium, promiscui sexus popularem tumultum fidelium, antra deserti claustralium, sed etiam segregatas in partem et pacem silentii Cartusiensium cellulas tuba illorum ululans et pestifera, muros et bonos mores transgrediens, cum terrore valido repleverit vehementer.* That doubts concerning the doctrine of Transubstantiation had been spread by Wicliffe's writings, is seen from the directions of Sbynko, A. D. 1406 (l. c. p. 158), to his clergy, enjoining them to preach the doctrine, with the threat: *qui aliter — dogmatizare fauderet, — hereticus esset, et talis per nos taliter puniretur, quod et aliis incerto poterit cedere in exemplum.* Stephanus therefore defends this doctrine especially in his *Medulla tritici*, P. 1.

⁵ Compare the *Conciones Synodicae* in the Hist. et Monum. II. p. 34, e. g. p. 37: *Sed dicite, o Clerici, si non durius dominamur cum Christianis, quam Reges*

The accidental circumstance that the weak-minded king, Wentzel, whom a feud with Boniface X. had exasperated against the clergy in

gentium dominentur eorum? Ecce occurrit Laicus, aliquid molestiae, vel apparentis quandoque injuriæ nobis faciens; statim abutendo privilegio clericali ex impatientia et arrogantia, sæpius verbo, et frequenter facto dicimus: *citabo, rexabo, compescam ribaldum, deducam super eum acutum gladium spiritualis potestatis*, et si pauper incautus sententia excommunicationis percussus fuerit, gaudemus et gloriamur. Et tantum eos, non ex caritate et amore justitiae, sed ira et zelo vindictæ diræ dominando opprimimus, quod etiam malum proverbium contra nos confinxerunt dicentes: *si offenderis Clericum, interface eum; alias nunquam habebis pacem cum illo.* — Sed dicite ulterius vos Clerici, ubi practicatis, — quod qui major sit in vobis, sit sicut minor, et qui præcessor, sicut ministrator (*Luc. xxii. 26*)? Numquid quia amatis primas cathedras in synagogis, primos recubitus in eenis, salutationes in foro, et Patres, Magistri, aut Domini ab hominibus appellari? Numquid quia plus amatis post se clientem cruentatum cum gladio, quam Clericum humilem cum libro? Numquid quia quasi nihil de veris divitiis spiritualibus Ecclesie curatis, sed totis curis et consiliis bonis temporalibus inhiatis? Numquid quia beneficia et officia ecclesiastica queritis, ut non serviatis in eis fideleri, sed ut per illa dominemini vi, et vivatis gentiliter? — Vel utrum in hoc, quia glorianini — in frequentia clientelæ, in equorum pluralitate, in ædificiis superfluis, in multa supellecstile, in congregatione pecunia, in pauperum exactione, in contemptu pauperum et hunilium, in veneratione divitum et superborum, in veridicorum despectione, in adulatorum amatione, et breviter in qualibet gloria et altitudine sacerulari? Heu in hac magna injuria et offensa Christi Dei et suæ regulæ sol, Prælatus major, conversus est in tenebras, et luna, minor, in sanguinem. Et secundum b. Bernhardum, et alium Doctorem Gilbertum factum est in Clero abominabile monstrum super terram. Gradus summus, animus infimus; sedes prima, vita ima; lingua magniloqua, manus otiosa; sermo multus, fructus nullus; vultus gravis, actus levis; ingens auctoritas, nutans habilitas; speculator cœcus, præco mutus, pugil mancus, præcursor lensus, medicus morbi ignarus. Et quia simile generat sibi simile, hinc est quod in quatuor temporibus multi scientiis nulli, et in moribus valde distorti ad sacros maiores ordines promoventur, et fit tanta dehonestatio Cleri, quod sacerdotes vicarii a suis Plebanis longe ultra concubinas in servitatem et despectum rediguntur, fit in se dederunt Clero, ut etiam in temporalibus bonis per sacerdotes furtæ et latrocinia multa, et inala consilia cumulentur, sicut vos ipsi testimonium potestis perhibere. p. 38: Nunc igitur vos, sacerdotes, attendite, si non sunt inter vos consecrata vasa Deo abominationibus supra modum. Sunt namque multi ex vobis, Prælati, Canonici, Plebani, et alii Presbyteri, qui mulierculis coutuntur, velut idola colunt, ardent in desiderio et amore illarum: vexantur lascivia, et libidine turpi vinculantur multi, multi Plebani concubinarii fornicantrum cum talibus corporaliter, quod in multis locis animalia gradientia super terram aperte demonstrant. O sacerdos, vas immundum, noviter ante cum scorto foedatum, et adhuc adulterina voluntate illi conjunctum, audes sic in te capere sacramentum omni decore et suavitate repletum? Quonodo non times, quod ira Dei super te descendente statim confringaris cum Oza, qui ad tactum temerarium arcæ domini statim percussus et mortuus est (*2 Sam. v. 6, 7*). Quis potest astimare, quantum consecrata vasa concubinaria Clericatum hujus diocesis dehonestant? Unde Dominus noster Archiepiscopus debet, quantum potest, rationabiliter etiam usque ad mortem laborare, et se exponere, ut sua illa vasa Deo consecrata a turpitudine concubinaria purgarentur, et cum ipse habeat ignem carceris et purgationis, et ministros sufficienes, debet ipse talia sua immunda vasa, quæ per se purgari nolunt, igne illo carceris mandare purificari efficaciter et sufficienter. Sunt ulterius multi de vobis, qui crapula et ebrietate ultra Laicos turpiter maculantur, vadunt cum baculis ad tabernam, sicut Laici ad limina Sanctorum, et cuin inde redeunt, male possunt ambulare, minus loqui, et minime tunc scire possunt, qnid eorum dignitas sacerdotalis requirat. Ditiore eorum de elemosyna frequentant ad invicem invitatos ad convivia, ubi cibus et potus in quantitate plures et majores, in substantia magis pretiosi, et in qualitate delicatores, quam apud cives et nobiles apponuntur. Ubi Christus cum sua passione est proscriptus, sed carne spumante in libidine de mulierculis et factis venereis verbis impudicis colloquia consummantur, etc. Sermo synodal is ann. 1405. p. 42 against

general, was pleased with these censures,⁶ was of little use to him, as it only served to increase the number of his enemies; and when in concert with Jerome of Prague he had succeeded in enlarging the privileges of the Bohemians in the university, so as to drive away the German teachers (1409),⁷ he became, through their means, an object of odium in other countries also. Huss now stood at the head of the theologians of Prague, and as a preacher exerted a wonderful influence on the people. To counteract this, the Archbishop of

the fornicatio Cleri, also against the plea, quod non sit peccatum mortale simplex fornicatio (see Conc. Paris. ann. 1429. c. 2. above, § 138, note 10); then p. 43 against the avaritia Cleri. e. g. Quod detestabilissimum est, religiosi possessionati, qui a vulgo vocantur divites sive pingues Domini, Monachi, ex avaro fundamento fraternitatis fabricant literas, quibus magnificant sua opera, contra illud Salvatoris (*Luc. xvii. 10*): *cum feceritis omnia, quæ præcepta sunt vobis, dicite, servi inutiles sumus.* Illas autem literas solum tribunt divitibus, facientes eos participes suorum operum, ut inclinati corum conventibus, ventres et buccas rubentes reficerent, implerent marsupia, et prædia augmentarent. p. 45: usuras exercent, negotiatores sunt, confessiones produnt, taxilli ludunt. Ecclesiæ ut otientur conveniunt, exinde rixas procurantes populi turbativas, filios spiritualiter suffocant, carnaliter generant, — spiritualem ædificationem, quæ salvat animas, nihil curant. Sed ut augmentent censem, aut divitias, ex quibus eorum posteri luxuriantur et superbunt uberioris, optime se facere existimant, et pro eis subditos avare inducent, ut etiam filiis prætermisis, parentibus et consanguineis pauperibus, pro ipsis abundantibus ordinent testamenta. — Et quid de Altaristis, Capellamis, et monstruosis Monachis, qui cum multa jam dieta exerceant, et choreas intrant publicas ducti patre Diabolo, etc. — *Sermo de exequiis mortuorum ann. 1411.* p. 81: Videat ergo defunctorum beneficiarius, quid est sibi utilius, quid est Ecclesiæ commodius, aut quid Deo honorificentius, et faciat illud pro mortuis, tanquam eis salubrius. Unde opus, quod maxime purgaret militantem Ecclesiæ a criminis, ac stabiliret ipsam in mandatis Domini, et accenderet in amore Dei: illud foret opus maxime juvans dormientem Ecclesiæ, quia militans purgata a peccato, stabilita in mandato, et in amore Dei accensa, ut sic, maxime succurreret Ecclesiæ dormienti. Ex quo videtur, quod Evangelizatio sancta, sic, ut dicitur, disponens militarem Ecclesiæ multum præstat suffragium Ecclesiæ dormienti. Istud autem Satan considerans, maxime nititur Evangelizationem extinguere, et sophisticans tam sacerdotes, quam simplices, dueit utrosque in Charibdim: Clericos in avaritiam per venditionem trintia Missarum de Requiem, et laicos in præsumptuosam confidentiam, et emptionem simoniaecam earundem. Jam enim in illis committitur taxa, sicut in vaccis, dum emuntur. Sie enim seit astutus hostis animalium fascinare homines, ut via prætermissa ad vitam securissima, incumbant super dubia. Quis enim ignorat, quin via securissima ad vitam est, vivere, ut Christus et Apostoli docuerunt? Et quis seit, quem trintia Missæ a purgatorio liberarunt?

⁶ An old Bohemian chronicle (Contin. Benessii in Pelzel's *Lebensgesch.* des Königs Wenzel. Th. 2. S. 553 seq.) says, "As long as Huss confined himself to the sins of the laity, he was universally lauded; but as soon as he attacked the Pope and the clergy, bringing to light their pride, avarice, simony, and other vices, and showing that they ought not to have any possessions, the whole priesthood was arrayed against him as one possessed of the devil, and an arch-heretic."

⁷ See Pelzel, l. c. S. 543 seq.; 547 seq. The royal ordinance of Jan. 18. 1409, by which, after the example of the university of Paris, three votes were given to the Bohemians instead of one, and to the Germans three, as had hitherto been the case, see in Pelzel, Th. 2. Urkundenbuch, S. 125. The loss to the city by the departure of the Germans was made use of by the clergy against Huss, see *Hussii sermo synodalnis ann. 1410* (Hist. et monum. II. p. 72): tacti veritate insistunt graviter, ut oppriment os prædicantium, insidias quærunt, et non invenientes mendacium in ore prædicantium, veritatem accusant mendaciis, nunc dicentes, quia Magistri per adhæsionem errorum expulerunt nationes extereras, nunc mentientes, quia de corpore Christi male sapiunt, nunc false imponentes, quia Papam nihil esse dicunt.

Prague, Sbynko, was empowered by Alexander V., on his own application, to forbid all preaching in private chapels, and to cause Wycliffe's writings to be publicly burned (1410).⁸ Huss continuing, however, to preach in the Bethlehem chapel,⁹ a complaint was entered against him at Rome. King and queen, the nobility and the university, all joined in interceding for him, so as to succeed in obtaining a second examination;¹⁰ whilst Huss defended both Wycliffe and himself in various writings.¹¹ At length the Archbishop, overawed by such a general resistance, withdrew his accusations.¹²

⁸ Alexander's bull of 20 Dec. 1409 ap. *Raynald*, h. a. no. 89. See *Penzel*, l. c. S. 565 ff.

⁹ See Huss' appeal from the Archbishop to the Pope John XXII. in *Historia et Monum.* I. p. 112 seq. The university also resolved, 15 June, 1410, quod *Universitas nullo modo consentit Archiepiscopo Pragensi Sbinconi eum suis Prae-latis in combustionem librorum Magistri Johannis Wikleff.* *Pelzel*, Th. 2. *Urkundenbuch*, S. 130.

¹⁰ *Narratio et scripta quædam rev. Viri M. J. Huss*, quibus occasiones, initia et progressus certaminum ipsius cum factione Pontificia explicantur in *Hist. et Monum.* I. p. 109 seq. *Pelzel*, Th. 2. S. 577 seq.; 585 seq.; 591 seq.

¹¹ See *Jo. Huss de libris haeticorum legendis* (*Hist. et Monum.* I. p. 127), in which he brings authorities for the position: libri haeticorum sunt legendi non combusturendi, dum in ipsis veritas continetur. Ejusd. actus pro defensione libri *Jo. Wicleff de trinitate sancta* publice celebratus ann. 1410, Dom. post fest. *S. Jacobi* (l. c. p. 131) e. g. p. 132: *Malum dico combustionem librorum, quæ combustio nullum peccatum de cordibus hominum sustulit, sed veritates multas, et sententias pulchras et subtiles in scripto destruxit, et in populo disturbia, invidias, diffamations, odia multiplicavit et homicidia, et Christianissimum Regem Bohemiæ in suspicionem malam religionibus aliis stulte et improvide deputavit.* Et super hæc omnia concusans pariter contra Trinitatis testimonium verbum prædicationis evangelicæ voluit alligare. Ejusd. Replica. contra *Anglicum Jo. Stokes*, *Wicleffi calumniatorem*, celebrata Dom. post Nativ. Mariæ, 1411 (p. 135). *Defensio quorundam Articulorum Jo. Wicleff*, ann. 1412 (p. 139). First, a defence of the articles: Illi, qui dimittunt prædicare, sive verbum Dei audire propter excommunicationem hominum, sunt excommunicati, et in die judicii traditores Christi habebuntur. Then of the other (p. 146): *Domini temporales possunt ad arbitrium suum auferre bona temporalia ab Ecclesiasticis habitualiter delinquentibus.* Then of the third (p. 156): *Decimæ sunt pure eleemosynæ.* *Jo. Hussii Replica. contra occultum adversarium ann. 1411* (p. 168).

¹² How much excited the common people also were against the Archbishop, see in *Stephani Prioris Dolanensis Antithussus* (written 1412) c. 16. in *Pezii thes. anecdot.* T. IV. P. II. p. 418: *Reverendus Pater, Dominus Archiepiscopus olim Sbinko, sancto insistens labore pro illorum malorum et principaliter pro illius venenati capitilis malorum Wicleff et ejusdem sacrilegarum doctrinarum exterminio, factus fuit ex inobedientia et rebellione illius Magistri Huss velut contemptibilis et pene fabula in populo, ita ut plerique insolentes vulgares ac ironicas de eodem viro Dei configurerent et decantarent cantiones (*Sbynyek Knhy spaly*, etc., more complete in *Pelzel*, II. S. 568: the Archbishop Sbynko, a dunce, who burnt books without knowing what was in them) publice per plateas contra justissimam — combustionem librorum hominis istius haeticæ pravitatis.* Both parties, Huss and the Archbishop, agreed in July, 1411, to submit to the decision of judges to be nominated by the king (*Pelzel*, II. S. 585 seq.) These judges decided amongst other things, that the Archbishop should inform the Pope that in Bohemia there were no heresies. Huss cleared himself from all suspicion by a confession of faith, which he subscribed on the 1st Sept. (see *Pelzel*, II. *Urkundenbuch*, S. 144 ff.). In this he says, e. g. *fidenter, veraciter et constanter assero, quod a veritatis æmulis sinistre sedi Apostolica sum delatus: false siquidem detulerunt et deferunt, quod docuerim populum, quod in sacramento altaris remanet substantia panis mate-*

But the papal displeasure was soon awakened anew. A crusade-bull having been issued against king Ladislaus (1412),¹³ Huss and his friend Jerome of Prague were excited to greater zeal than ever in their resistance to these abuses,¹⁴ and succeeded in arousing the

rialis. False, quod quando elevatur hostia, tunc est corpus Christi, et quando ponitur, tunc non est. False, quod sacerdos in peccato mortali non conficit. False, quod Domini a Clero auferant temporalia, quod decimas non solvant. False, quod indulgentiae nihil sunt. False, quod gladio materiali suascrim Clerum percutere. False, quod prædicaverim vel tenerim aliquos vel aliquem errores vel errorem, vel aliquam hæresim, vel quod seduxerim a via veritatis populum quoquo modo. False, quod causa extiterim, quod quidam Magistri Teutonici expulsi de Praga fuerint, cum ipsi nolentes almae Universitatis studii Pragensis tenere foundationis privilegiū, nec serenissimi Principis — Wenceslai — Regis volentes parere mandatis licitis, putantes, quod absque eorum praesentia non valeret Pragensis Universitas subsistere, nullopellente ad propria vel quo ipsis placuit recesserunt. Fateor autem me a reverendissimi in Christo Patris Domini Sbinkonis sententia ad sedem appellasse Apostolicam, demum a processibus, qui ex informatione sinistra a s. sede Apostolica emanarunt. Sinistre etenim veritatis ænuli, honoris sui et salutis immemores sedi Apostolicae suggesserunt, quod in regno Boemiae in civitate Pragensi et Marchionatu Moraviae errores pullulasset et hæreses, et multorum corda infecissent adeo, quod necessarium foret correctionis remedium adhibere. False denique suggesserunt, quod Capella Bethleem foret locus privatus, cum ipsa sit ab ordinario Episcopo locus in beneficium ecclesiasticum confirmatus, cuius destructio honorem Dei aliquantulum in populo tolleret, animarum profectum minueret, causaret scandalum, et populum contra destructores non modice provocaret. Citatus autem personaliter ad Romanam Curiam, optabam comparere humiliter: sed quia mortis insidia tam in regno quam extra regnum, presertim a Teutonicis sunt mihi posita, ideo multorum fretus consilio judicavi, quod foret Deum tentare vitam morti tradere profectu Ecclesiae non urgente. Igitur non parui personaliter, sed advocates et procuratores constitui, voles sanctæ sedi Apostolicae obediare. Quapropter, summe Christi Vicarie, humiliter vestræ Sanctitatis imploro clementiam, quatenus me a comparitione personali — benigniter absolvere dignetur, quia per Serenissimum — Wenceslaum — Regem, neconon per Reverendissimos Patres — Wenceslaum Patriarcham Antiochenum, Dominum Conradum Olomucensem Episcopum, Illustrem Principem Dom. Rudolfum Ducem Saxoniae s. Imperii Electorem, etc. — cum prafato reverendissimo in Christo Patre Domino Sbinkone sum totaliter concordatus: nam offerebam me ad respondendum omnibus et singulis objiciendis, etiam referens me ad totum auditorium, quod, si quod contra me deduceretur, vellem etiam ignis incendio nisi cederem emendari, etc. Sbyndo wrote a letter to the Pope, which was approved by the king, in which he says (Hist. et Monum. I. p. 111): Errors hereticos in Regno Bohemiæ, in civitate Pragensi, et Marchionatu Moraviae nescio, nec aliquis super hac re convictus est, pro qua foret aut fuisse ecclesiastice puniendus. Ego etiam et Magister Joannes Huss, neconon cæteri Universitatis Studii Pragensis Doctores et Magistri super singulis dissensionibus atque rixis inter nos utrumque subortis — sumus plenariae concordati. Quapropter, beatissime Pater, famam prædicti Regni laudabilem ex pastorali officio conservare desiderans, ad Vestrae Sanctitatis clementiam configlio, supplicando, quatenus super Christianissimo regno S. V. piis dignetur moveri visceribus, excommunicationem et censuras exinde ortas cessare et annullare. This letter, however, was never sent, as Sbyndo died on the 28 Sept. 1411.

¹³ See § 129, note 13. See in Hist. et Monum. I. p. 212 seq. third bull, and another, in which commissioners are appointed to preach such a crusade.

¹⁴ Quæstio Mag. Jo. Huss, disputata ab eo ann. 1412 (Hist. et Monum. I. p. 215), a discussion of the question: Utrum secundum legem Jesu Christi licet et expedit pro honore Dei, et salute populi, ac pro commodo regni bullas Papæ de erectione crucis contra Ladislaum Regem Apuliae et suos complices Christifidelibus approbare? He treats of these points in the Bulla de erectione crucis, *indulgentiam omnium peccatorum, subsidia bellorum, et circa utraque ista modum.* Of the first, p. 216: est indulgere gratis concedere, — sive remittere vindictam, quam

reus deberet pro excessu sustinere. — Sic autem indulgere peccatoribus est Deo proprium. — Sacerdotes Christi habent potestatem vere poenitentes absolvere a poena et a culpa. — Sacerdos potest sacramentaliter ostendere, sibi confitentem taliter absolutum, qui ad tantum conteritur, quod statim decedens sine poena purgatorii ad patriam perveniret, et hoc est sacerdotum absolvere. — p. 217: Unde sapientes Christi sacerdotes non assurunt simpliciter, quod confitens sit a peccatis solitus, sed sub conditione ista: si dolet, et nolit peccare amplius, et confidit de Dei misericordia, et vult imposterum mandata Dei observare. — Nullius Papæ vel Episcopi prodest in indulgentia homini, nisi de quanto prius se disposuerit apud Deum. Of the second: Licet sæculari brachio pugnare, et sibi subsidia ad bellandum præstare, habitis conditionibus caritatis. — Non licet Romano Pontifici, nec expedit sibi, vel cuicunque Episcopo vel Clerico pro dominatione sæculari, vel mundi divitias pugnare. He refers to the example of Christ, *Luc. xxii. 51.* — p. 218: Quomodo ergo Romanus Pontifex non timet in multorum hominum mortem per crucis erectionem et procurationem stipendi consentire, immo præstare remissionem omnium peccatorum ex eo, quod quis Christianos quam plûrimos trucidaret? Revera non cepit exemplum illud a Christo Jesu, qui invasus ab hostibus cum suo grege pusillo, valens omnes uno verbo interimere, dixit patientissime, *Io. xviii. 8:* *si me queritis, sinite hos abire.* p. 219: Litteris Papæ de crucis erectione contra Christicolas quidam obedient ex ignorantia, ut Laici simplices, et omnes illi, qui in nullo putant resistendum jussioni Papæ, male accipientes illud, *Deut. xvii. 10-12.* Ubi capiunt, quod omnis sententia Papæ est tenenda, quod, inquit Doctor de Lyra, est manifeste falsum, quia sententia, inquit, nullius hominis, cuiuscunq[ue] auctoritatis, tenenda est, si contineat manifestam falsitatem sive errorem. p. 220: Videamus, si Salvator noster in casu simili ita fecit, et patebit in lege sua contrarium. Nam *Luc. ix. 51 seq.* dicitur: *Ipse Jesus faciem suam firmavit, ut iret in Hierusalem, et misit nuncios ante conspectum suum, et euntes intraverunt civitatem Samaritanorum, ut præpararent illi, et non repperunt eum, quia facies ejus erat euntis in Hierusalem.* Jacobus et Joannes dixerunt: *Domine, vis, dicimus, ut ignis descendat de cælo, et consumat illos, sicut Helias fecit.* Et conversus increparit eos dicens: *nescitis, cuius spiritus estis.* *Filius enim hominis non venit animas hominum perdere, sed salvare.* Videat ergo Papa, cur personas utriusque sexus in exterminium, non dico Samaritanorum, sed Christianorum concitat sub obtentu remissionis peccatorum omnium: et non datur per eum alia causa, nisi nonsolutio pecunia vasallatus Ladislai, et nonsusceptio ejus pro patre sanctissimo, ac rebellio et hostilis impugnatior sicut sui nuncii et bullæ protestantur. P. 221, in the Modus donationis indulgentiarum he censures 1, the anathemas invoked on those who should help to give Ladislaus and his family a Christian burial, 2, the call on all believers to join in exterminating Ladislaus and his rebel followers, 3, the promise of absolution for contributions in money. P. 223: Res corporalis quantumcunque parvi pretii non debet emi, nisi cum ista prudentia, quod emptor de vendito probabiliter sit securus. Sed Papa non potest assecurarre aliquem, quod post mortem vel ante tantam indulgentiam habebit. Ideo probabiliter est tale commercium dimittendum. Papa enim subducta revelatione nescit de aliquo, nec de se ipso, si sit prædestinatus a Domino: quod si præscitus fuerit, non proderunt sibi tales indulgentiae ad beatitudinem contra ordinationem Domini æternaliter ordinantis. Ideo cum Papa non potest generaliter procurare tales indulgentias sibi ipsi, est multis evidens, quod tales indulgentiae sunt suspectæ: non enim obstat fidei, quod multi Papæ, qui concederunt verbaliter amplas indulgentias, sunt damnati: quomodo igitur possunt defendere suas indulgentias coram Deo? P. 229: Positis indulgentiis papalibus a poena et a culpa, ut præmititur, videtur, quod potest Papa purgatorium destruere. Probatur. Quia potest Papa quemlibet in agone contritum et confessum a poena et a culpa absolvere, et cuiilibet potest dare illam gratiam post se in futurum, et non obstat aliquid, nisi forte invidia vel negligentia. Det ergo cuiilibet in futurum, et dato illo nullus veniet ad purgatorium, quo dato omnes vigiliae, missæ defunctorum, oblagia, largæ eleemosynæ, anniversaria, omnia alia suffragia, ut commemorationes perpetuæ, dotations Capellanorum, extunctiones claustrorum et altarium, pro hujusmodi hominibus forent frustra. — Sed istud consequens Clerum non modice conturbaret. Unde vel oportet eos negare habere potestatem hujusmodi ad dandum sic indulgentias, vel incidere in consequens jam indictum. Si autem dicitur, quod licet habet potestatem dare

indignation of the whole nation.¹⁵ The wrath of the Pope was now no longer to be stayed. At a synod held in Rome, Wicliffe's writings were condemned,¹⁶ Huss excommunicated, and the place where he resided laid under interdict (1413). Huss appealed from the Pope to Christ himself,¹⁷ and having written in his own defence the *Tractatus de Ecclesia*,¹⁸ his chief work, betook himself from

Papa sic indulgentias, non tamen debet, nisi ex causa rationabili, scilicet quando impugnatur, vel indiget pecuniis: revera orandum erit fidelibus, ut impugnetur, et indigeat pecuniis, quia tunc thesaurum Ecclesiae fidelibus aperiet ad salutem. P. 232. He applies the passage, *Jer. vi. 13, and viii. 10: a minimo usque ad maximum omnes avaritiae student, et a Propheta usque ad sacerdotem cuncti faciunt dolum.* Omnes enim datores indulgentiarum, quæstores de voto, et prædicatores creationis crucis student mirabiliter avaritiae, omnem sollicitudinem Diaboli cautelosam apponentes, nunc prædicando, quod summa venit populis gratia, nunc quod cœlum est eis apertum, nunc quod progenitores possunt per illas indulgentias redimere, nunc quod qui negligit tantam gratiam, perdit vitam æternam, nunc literas absolutionis care vendendo, nunc peregrinationem debitam ex voto pecuniis et alia vota compensando. *Huss* wrote also *Contra Bullam Papæ Jo. XXIII.* *Replica*, l. c. p. 235, contradicting it in ten points. E. g. Prædicandum est ergo populo, ut promulgatione indulgentiarum non seducantur, quia indulgentiae nihil valent, sicut nec aliud bonum opus ad consequendam beatitudinem, nisi homo relinquat peccatum, dolens de præterito, et cavens finaliter, diligenter et continue de futuro. Si enim de omnibus peccatis pœnitentiam egerit, et mandata Dei custodierit, omnium peccatorum remissionem et pœnae æternæ obtinebit. — Item prædicandum est ipsi populo, ut caveat, ne per reliquias spolietur: quia sanctorum reliquiae non sunt pro exquirendis pecuniis expendiæ. — Item prædicandum est populo, ne in confessionibus permittat se simoniace spoliare per taxam, vel per injectionem offerendi, vel missas comparandi, vel alio modo illico. — Item prædicandum est illud *Augustini* lib. 2, ad Julianum: non tollit peccata, nisi solus Christus. — Ex isto docendus est populus, ut credit, quod solus Deus habet mundare animam ab interiori macula, et quod nullus homo potest dimittere cuiquam peccata, nisi Deus prius dimiserit. — Et iterum docendus est populus, quod ad remissionem peccatorum requiritur pœnitentia interior. — Also Opusculum de sex erroribus (l. c. p. 237), qui Clerum et magnam partem populi infecerunt. These are, 1. quod quilibet sacerdos missando creat corpus Christi, et efficitur pater et creator sui creatoris (because non creator, sed in manibus sacerdotum conficitur. Creator is God alone); 2. quod credendum est in b. Virginem, vel in Papam, vel in Sanctos, cum tamen solum in Deum veraciter est credendum (difference between credere homini and in hominem); 3. quod sacerdotes, cui volunt, possunt remittere peccata, et absolvere a pœna et a culpa; 4. quod subditi debent suis superioribus in omnibus præceptis, licitis sive illicitis, obedire; 5. quod omnis excommunicatio, sive justa sive injusta, ligat excommunicatum, et nocet sibi, et separat eum a communione Christifidelium, et privat eum Ecclesiæ sacramentis; 6. error simoniae hæresis, qua Clerus est pro majori parte, proh dolor, maculatus.

¹⁵ Theobald's *Hussitenkrieg*, S. 25. Pelzel's *Lebensgesch. des Königs Wenzel*. Th. 2. S. 608 seq. Jerome surpassed Huss in his zeal. He caused the bull to be carried through the city by a prostitute and then burned. Several of Huss' followers contradicted the priests in the churches, when they proclaimed the absolution. Three of them having been executed for such disturbances, the commotion increased (see *Stephani Prioris Dolanensis Antihuissus*, c. 5, in *Pez. IV. II.* p. 380). King Wenzel also was much excited on the subject, and complained in a letter to the Pope (which see in Pelzel's *Lebensgesch. des Kgs Wenceslaus*. Th. 2. *Urkundenbuch*, S. 151) of the impudence of the promises, and the avarice of the indulgence-sellers.

¹⁶ *Mansi XXVII.* p. 505.

¹⁷ Which see *Hist. et Monum. I.* p. 22.

¹⁸ *Tractatus de Ecclesia* (*Hist. et Monum. I.* p. 243). Cap. 1: Ecclesia sancta catholica i. e. universalis est omnium prædestinatarum universitas, quæ est omnes

Prague to Hussinecz, where he continually employed himself in

prædestinati præsentes, præteriti et futuri. Cap. 2: tripartitur, scil. in Ecclesiam triumphantein, militantein et dormientein. Ecclesia militans est numerus prædestinatorum, dum hic viat ad patriam. — Ecclesia dormiens est numerus prædestinatorum in purgatorio patiens. — Ecclesia triumphans est beati in patria quiescentes, qui adversus Satanam, militiam Christi tenentes, finaliter triumpharunt. Una autem magna Ecclesia erit ex omnibus illis in die judicii. Cap. 3: Sicut aliquid est in humano corpore, quod non est pars ipsius corporis, ut sputum, phlegma, sterlus, apostema vel urina, et illud non est de corpore, cum non sit pars corporis; aliud vero est in humano corpore tanquam pars ejus, ut omne membrum ejus: sic aliquid est in corpore Christi mystico, quod est Ecclesia, et tamen non est de Ecclesia, cum non sit pars ejus, quomodo est omnis Christianus præscitus, de ipso corpore tanquam sterlus finaliter egerendus. Et sic aliud est esse de Ecclesia, aliud esse in Ecclesia. — Quadruplex est habitudo viatorum ad sanctam matrem Ecclesiam. Quidam enim sunt in Ecclesia nomine et re, ut prædestinati obedientes Christo catholici. Quidam nec re, nec nomine, ut præsciti pagani. Quidam nomine tantum, ut præsciti hypocritæ. Et quidam re, licet videantur nomine esse foris, ut prædestinati Christiani, quos Antichristi Satrapæ videntur in facie Ecclesiæ condemnare. — Dupliciter homines possunt esse de s. matre Ecclesia, vel secundum prædestinationem ad vitam æternam, quomodo omnes finaliter sancti sunt de s. matre Ecclesia, vel secundum prædestinationem solum ad præsentem justitiam, ut omnes, qui aliquando accipiunt gratiam remissionis peccatorum, sed finaliter non perseverant. — Sicut Paulus fuit simul blasphemus secundum præsentem injustitiam, et de s. matre Ecclesia, — atque in gratia secundum prædestinationem vitæ æternæ; sic Scarioth fuit simul in gratia secundum præsentem justitiam, et nunquam de s. matre Ecclesia secundum prædestinationem vitæ æternæ. Cap. 4: solus Christus est caput universalis Ecclesiæ. Cap. 6: Ecclesia malignantium est corpus Diaboli, cuius ipse est caput. Cap. 7. *quod Romanus Pontifex cum Cardinalibus non sit totum corpus universalis Ecclesiæ, sed pars, nec Papa sit caput, sed Christus.* Matth. xvi. 18, is thus explained: *tu es Petrus, i. e. confessor Petrae veræ, qui est Christus, et super hanc petram, quam confessus es, i. e. super me ædificabo ecclesiam meam.* — Romana Ecclesia est totalis Ecclesia militans, quam Deus plus diligit, quam aliquam ejus partein. Cap. 8: credere, quod homini est ad beatitudinem necessarium, est veritati tanquam a Deo dictæ sine hesitatione adhærere firmiter. Pro qua veritate ratione certitudinis debet homo mortis periculo exponere vitam suam. Et isto modo tenetur quilibet Christianus credere explicite vel implicite omnem veritatem, quam s. Spiritus posuit in Scriptura. Et isto modo non tenetur homo dictis sanctorum præter Scripturam, nec Bullis papalibus credere, nisi quod dixerint ex Scriptura, vel quod fundaretur simpliciter in Scriptura. Sed potest opinative homo credere Bullis, quia tam Papa quam sua Curia potest falli propter ignorantiam veritatis. De illa enim verificatur, quod fallit et fallitur: fallit Papam Iucerum, et fallitur propter ignorantiam. Cap. 9: Ex his patet, quomodo Christus est fundamentum Ecclesiæ, et quomodo Apostoli sunt fundamenta. Christus antonomastice, quia ab ipso incipit, et in ipso finitur, et per ipsum finitur constitutio Ecclesiæ. Prophetæ vero et Apostoli sunt fundamenta, quia ipsorum auctoritas portat infirmitatem nostram. — Solum Christus est caput, — Petrus non fuit nec est caput sanctæ Ecclesiæ catholicæ, — fuit capitaneus inter Apostolos, et fuit fundamentum Ecclesiarum, ut in proximo dictum est de Apostolis. — Quare autem Christus Petrum post se capitaneum et pastorem constituit, fuit præminentia virtutum ad regendam Ecclesiam. — Tres autem erant virtutes, in quibus Petrus præcellebat, fides, humilitas et caritas. — Si jam dictis virtutum viis incedit vocatus Petri vicarius, credimus, quod sit verus ejus Vicarius, et præcipiūs Pontifex Ecclesiæ, quam regit. Si vero vadit viis contrariis, tunc est Antichristi nuncius, contrarius Petro, et Domino Jesu Christo. Cap. 10: Cum Christus dicit Petro: *tibi dabo claves regni cælorum,* i. e. potestatem ligandi solvendique peccata, in persona Petri dixit toti Ecclesiæ militanti, non quod quælibet persona illius Ecclesiæ indifferenter habeat illas claves, sed quod tota illa Ecclesia secundum singulas ejus partes ad hoc habiles habeat illas claves. — Non potest homo solvi a peccato, nec remissionem peccatorum recipere, nisi Deus ipsum solverit, vel ei remissionem dederit. — Unde vesane insaniunt Presbyteri, qui putant vel dicunt, se ad suum votum solvere vel ligare sine absolutione vel liga-

tione prima Christi Jesu. — Cavere ergo debet Christi discipulus a fallacia Antichristi, dum sic arguitur: quodcunque Vicarius Christi ligaverit super terram, erit ligatum et in cœlis, sed hunc fidem Laicum, nolentem sibi dare pro absolutione pecuniam, ligat supra terram, ergo ligatur in cœlis: — sed hunc incontritum volenter dare pecuniam solvit supra terram, ergo est solitus et in celo. — Nam qui-cunque homo rite pœnitens solitus fuerit super terram a Christi vicario in terra, etiam solvitur in celo. — Quilibet sacerdos Christi rite ordinatus habet potestatem sufficientem quælibet sacramenta sibi pertinentia conferendi, et per consequens vere contritum a peccato absolvendi. — Quomodo autem ista potestas fuit par in Apostolis, habetur Dist. 21. in Can. In novo. — Unde stultum foret credere, quod Apostoli nullum donum spirituale a Christo receperant, nisi quod fuerat a Petro ad ipsos simpliciter derivatum. Nam omnibus dixit *Matth.* xviii. 18: *quacunque solveritis super terram, etc* — Cap. 11. Multi Sacerdotes emungunt ex illo *Matth.* xviii. 18, et ex illo Christi dicto *Matth.* xxii. 2, 3. — quod debet eis quilibet subditus in omnibus obedire, et sic ipsi sacerdotes quicquid sonat eis ad libitum in Christi Evangelio, sine correspondente caritativo ministerio, pro sua gloria clamorose sibi adscribunt. Sed quod sonat in labore, in abjectionem mundialem, et in sequelam Jesu Christi, illud aspernantur, tanquam sibi contrarium, vel fingunt se id tenere, et non tenent. — Quia contra Cleri pestiferi crimina sacerdotes Christi prædicarunt, ideo orta est dissensio, ex eo quod Clerus pestem scandali inférens populo, nolens pati predicationem suæ pesti contrariam, contra Evangelium prædicantes et pestem eorum sanare volentes per verbum Domini malitiose volens prædicationem extinguere consurrexit. — Cap. 12. Huss now turns to a work published against him by eight Doctors of Theology in Prague, with Stephanus Paletz at their head. They had appealed to the passage in the bull *Unam sanctam*: Subesse Romano Pontifici, omni humana creature est de necessitate salutis. To this he replies: Jesus Christus est Romanus Pontifex, sicut est caput universalis ac cuiuslibet particularis Ecclesiæ. Hence the Apostles did not call themselves Papas sanctissimos, capita universalis Ecclesiæ, vel universalis Pontifices, and Gregory the Great had strenuously opposed the application of this last title to himself (see Vol. I. § 115, note 31). Non sic heu quærunt moderni Pontifices, qui sine virtutum moribus, in nudo nomine gloriantur, fingentes, quod ratione officii vel dignitatis ecclesiasticae ipsis nomen competit sanctitatis. Sed si hoc haberet rationem, tunc Judas debuisse vocari sanctus Apostolus. Cap. 13. In this and the following chapters he answers six assertions of his opponents: I. Papa est caput s. Romanæ Ecclesiæ. II. Collegium Cardinalium est corpus s. Romanæ Ecclesiæ. III. Papa est manifestus et verus successor Principis Apostolorum Petri. IV. Cardinales sunt manifesti et veri successores collegii aliorum Apostolorum Christi. V. Pro regime Ecclesiæ per universum mundum oportet semper manere hujusmodi manifestos veros successores in tali officio Principis Apostolorum Petri, et aliorum Apostolorum Christi. VI. Non possunt inveniri vel dari supra terram alii tales successores, quam Papa existens caput et collegium Cardinalium existens corpus Ecclesiæ Romanae. He says first in general: Omnis veritas in religione Christi sequenda, et solum ipsa vel est veritas a sensu corporeo cognita, vel ab intelligentia infallibili inventa, vel per revelationem cognita, vel in divina posita Scriptura. But this applies to no one of those six points: igitur nullus sex punctorum est veritas in religione Christi sequenda. The answers to I. and II. all amount to this, that Christ alone is the head of the church, caput Ecclesiæ catholicæ, that the Pope and Cardinals are not even always prædestinati and members of the church. Cap. 15. answer to Punct. V.: Ecclesia potest æque bene regi a sanctis sacerdotibus, demptis illis duodecim cardinibus, sicut regebatur per trecentos annos et amplius post ascensionem Christi. Answer to Punct. VI.: Christus est caput sufficientissimum. — Si non potest Deus dare alios veros successores (Apostolorum), quam sunt Papa et Cardinales; sequitur quod potentia Cæsaris, — instituendo Papam et Cardinales, potentiam Dei limitaret. — Nam Cæsar Constantinus post annos trecentos Papam instituit. Romanus enim Pontifex fuit consocius aliis Pontificibus usque ad donationem Cæsaris, cuius auctoritate cœpit capitaliter dominari. — Oportet considerare sectam Cleri duplarem, scil. Clerum Christi et Clerum Antichristi. Clerus Christi quietatur in suo capite Christo ac suis legibus. Clerus vero Antichristi vel totaliter vel præponderanter innititur legibus humanis et legibus Antichristi, et tamen palliatur esse Clerus Christi atque Ecclesiæ, ut populus simulatus seducatur. —

preaching in the open air,¹⁹ and in the production of several new works, all in the same spirit by which he had ever been distinguished.²⁰

In the mean time the Council of Constance was opened. Huss having furnished himself with testimonials of his orthodoxy from all quarters, and even from the papal Inquisitor in Bohemia,²¹ did not hesitate to comply with the summons of the emperor Sigismund, to present himself, and arrived in Constance with a letter of safe conduct from the emperor,²² on the 3d Nov. 1414.²³ But the hostile feeling already entertained against him as a Realist, and the cause of the expulsion of the Germans from Prague, was still more inflamed by the intelligence which came with him, that James von Misa, a priest in Prague, was defending the restoration of the cup to the laity; which innovation was understood to be countenanced by Huss.²⁴

Clerus Antichristi instat attentius pro traditionibus humanis, et pro privilegiis, quæ fastum vel lucrum sæculi capiunt, defendendis, vultque gloriose, voluptuose et Christo dispariter vivere, postergans penitus imitationem in moribus Domini Iesu Christi. Sed Clerus Christi laborat assidue pro legibus Christi et ejus privilegiis, quibus bonum spirituale acquiritur ostendendum, fugitque fastum et voluptatem sæculi, querit conformiter Christo vivere, attendens diligentissime sequelam Domini Iesu Christi. Cap. 17: Nec dubium, quin Papæ et Cardinalibus est obedendum, dum docuerint veritatem juxta legem Dei: — si autem Rabbi, i. e. Magistri vel magni, ut dicit Lyra, seu Papæ vel Cardinales, præceperint vel docuerint aliquid præter veritatem, etiam cum tota Curia Romana, non est fidelis parendum, dum cognoverit veritatem. Cap. 18. Justification of his resistance to the Pope. Cap. 19–21. When the prelates are to be obeyed. Cap. 22 and 23. Of the injustice of the censures passed on him.

¹⁹ Pelzel's Lebensgesch. des Königs Wenceslaus. Th. 2. S. 618 f.

²⁰ Which see in Hist. et Monum. I. p. 117 seq. The work *De sacerdotum et monachorum abhorrenda abominatione*, is not Huss', as is shown in § 122, note 7.

²¹ In several public letters and notices, Huss challenged any one in Prague or all Bohemia to convict him of a single heresy (see Hist. et Mon. I. p. 2). The papal inquisitor, *Nicolaus Episc. Nazarethanus*, gave him a written testimonial, that no one accused him, and declared before a notary (l. c. p. 3): *Ego multis et pluribus vicibus Magistro Joanni Hus conversatus sum, secum comedendo et bibendo, et sermonibus suis saepè interfui, ac collationes plures de diversis sacræ Scripturæ materiis faciendo, nunquam aliquem in ipso inveni errorem vel hæresim, sed in omnibus verbis et operibus suis ipsum semper verum et catholicum hominem reperi.*

²² Which see, Hist. et Monum. I. p. 2. The emperor says: *honorabilem Magistrum Johannem Hus — in nostram et sacri Imperii protectionem recepimus et tutelam, and orders all the authorities: ipsum — omni prorsus impedimento remoto transire, stare, morari et redire libere permittatis, sibique et suis, cum opus fuerit, de seculo et salvo velitis et debeatis providere conductu, ad honorem et reverentiam nostræ Majestatis.*

²³ v. d. Hardt Conc. Const. IV. p. 11.

²⁴ At the instance of his friends in Prague, Huss examined the subject by the light of the Scriptures and the authority of the church fathers. See Hist. et Monum. I. p. 52 seq. The result to which he came was: *videtur quod licet et expedit Laicis fidelibus sumere sanguinem Christi sub specie vini. Nam licet corpus et sanguis Christi sit sub utraque forma sacramentali: tamen Christus non sine ratione, nec gratis instituit utrumque modum sacramentalis suis fidelibus, sed ad magnum profectum. Nam modus manducandi sacramentalis sub forma panis est specialis modus figurandi et excitandi efficaciter ad manducactionem spiritualem. Et modus sacramentalis bibendi sub forma vini est specialis modus*

The more zealously the council labored to bring about a reformation in the government of the church, the more strongly they seemed to feel the necessity of opposing all innovations in doctrine, that the spirit of reform might not become a spirit of overturn and destruction. On the 28 Nov. 1411, Huss was imprisoned and accused as a heretic. In spite of all the intercessions of his friends in Bohemia,²⁵ he was treated with increasing severity. Without giving him an opportunity of defending himself, he was required unconditionally to retract;²⁶

figurandi et excitandi mentem ex institutione Christi ad gustandum suaviter effusionem Christi sanguinis, quem effudit. — Ex quo patet, quod sicut sacerdos digne sumens sub utraque specie non sine causa sumit: sic et devotus Laicus potest licite sunere, cum cadem sit ratio quoad sumptionem corporis et sanguinis utrobius. Both here and afterwards he was much more moderate in his expressions than James von Misa. His friends in Bohemia sent him a letter in his prison in Gottleben, by the hand of the knight John von Chlum, on the 31st May, 1415 (*v. d. Hardt Conc. Const. IV. p. 291*): *Rogamus intime, quod motivam et finalem intentionem vestram de communione calicis, si videbitur, praesenti chartae inferatis, amicis tempore suo monstrandam. Quia fratrum adhuc aliqualis est scissio, et propter illud multi turbantur, ad vos et arbitrium vestrum juxta scripta quedam se referentes.* Huss replied: *De sacramento calicis habetis scriptum, quod scripsi in Constantia, in quo sunt motivæ. Et nescio aliquid dicere, nisi quod Evangelium et epistola Pauli sonant directe, et tentum fuit in primitiva Ecclesia. Si potest fieri, attentatis, ut saltem permittatur per bullam illis dari, qui ex devotione postulaverint, circumstantiis adhibitis.* But after the Council had condemned the Communio sub utraque for the laity on the 15 June, 1415 (see § 144, note 6), Huss wrote more decidedly to a Dominus Haulikon on the 21 June, 1405 (*Hist. et Monum. I. p. 80*): *Noli resistere sacramento calicis Donini, quem Christus per se et per suum Apostolum instituit, quia nulla scriptura est in oppositum, sed sola consuetudo, quæ, ut aestimo, ex negligientia inolevit. Jam non debemus consuetudinem sequi, sed Christi exemplum et veritatem. Modo Concilium allegans consuetudinem damnavit communionem calicis quoad Laicos, ut errorem, et qui practicaverit, nisi resipiscat, tanquam haereticus puniatur. Ecce malitia Christi institutionem jam ut errorem damnat. Rogo propter Deum, ut non impugnes Magistrum Jacobellum, ne fiat scissio inter fideles, de qua gaudet Diabolus. Etiam, carissime, prepara te ad passionem in mandatione et communione calicis, et sta fortiter in veritate Christi, timore illicito postposito, etc.*

²⁵ See two letters of the Bohemian barons to the emperor in Jan. 1415, in *Hist. et Monum. I. p. 96. v. d. Hardt Conc. Const. IV. p. 32*; a third in May, *Hist. et Monum. I. p. 97.* Three letters of the Bohemian nation to the Council, *Hist. et Mon. I. p. 9 seq. v. d. Hardt IV. p. 188, 212, 288.* The Bohemians appeal to the emperor's safe conduct, and complain that Bohemia is represented at the Council as a heretic country, especially (*Hist. et Mon. I. p. 10. v. d. Hardt IV. p. 189*) of the stories circulated at Constance, quoniam sacramentum pretiosissimi sanguinis Domini per Bohemiam jam in vasculis non consecratis (*v. d. Hardt in flasconibus*) deportarent, quodque sutores jam confessiones audirent, et sacrosanctum corpus Dominicum aliis ministrarent. The Episc. Luthom. assured the Council, however, in reply, that he could bring proof that all this was essentially true (*Hist. et Mon. I. p. 10. v. d. Hardt IV. p. 210*).

²⁶ In the first place a Bohemian priest, Michael de Caussis, presented a series of charges against Huss (see *Hist. et Monum. I. p. 7*). Then John Gerson produced 19 Articles from the work *de Ecclesia*, which he pronounced haeretic*i* et ut tales judicialiter condemnandi (l. c. p. 29 seq.). Huss appeared before the Synod on the 5th June, 1415, but could not make himself heard in the uproar (*v. d. Hardt IV. p. 306 seq.*). On the 7th June he was examined by the Council in presence of the emperor, on several of the charges brought against him by Michael de Caussis (l. c. p. 308 seq. *Hist. et Mon. I. p. 15 seq.*). In the first place it was supposed to be proved that he had taught, *quod post consecrationem et pronunciationem verborum in cena Domini manet panis materialis*, notwithstanding his

and on his refusal to do this, was burned at the stake on the 6th July; 1415.²⁷ To justify the emperor for the infringement of his safe con-

solemn denial. On the next point, quod pertinaciter articulos erroncos Wicleff docuisset in Bohemia et defendisset, he replied, that he could not consider all those articles in Wicliffe's writings heretical which had been condemned by the Roman synod. Namely, quod Sylvester Papa et Constantinus erraverint, Ecclesiæ illas donationes conferendo; quod Papa vel Sacerdos existens in peccato mortali neque consecret neque baptizet (which he had qualified, however, quod indigne consecret et baptizet); quod decimæ sunt puræ eleemosynæ. He was then asked, habueritne absolutionem a Pontifice Romano, and liceretne ad Christum provocare, and whether he had said, se optare, ut anima sua in eodem loco, ubi anima Wicleff, esset. The first question he answered in the negative; the two last in the affirmative, amidst shouts of laughter. Another point in the accusation was, that he had counselled the people, ut iis, qui adversarentur suæ doctrinæ, gladio resisteret exemplo Mosis. Huss said, se monuisse populum, cum prædicaret dictum Apostoli de galea salutis et gladio, ut illo se accingerent omnes, et defenderent evangelicam veritatem; seque diserte dixisse propter columnias, non gladio materiali, sed eo, qui est verbū Dei. Further, it was brought against him, quod ex doctrina Hus multa scandala exorta sunt. Primum seminavit discordias inter ecclesiasticum et politicum statum, unde persecutio Cleri et Episcoporum, eorumque spoliatio consuta est. Deinde quod scholam quoque Pragensem per discordias dissolvit. Huss denied both these accusations. He was then called to account for having said, nisi sua sponte Constantiam venire voluisset, neque Bohemiæ Rex neque Imperator se cogere ad id potuissent, which he explained as referring to the power of the nobles who were attached to his cause. On the 8th June 39 articles were laid before him from his own writings, concerning which he was called upon to decide (*v. d. Hardt*, IV. p. 314. *Hist. et Mon.* I. p. 19 seq.). 26 were from his work *de Ecclesia*, 7 from his liber contra Stephanum Paletz, 6 from the lib. contra Stanislaum de Snoima. Most of them related to the doctrine, that only those who were predestined to salvation were members of the church, and therefore that it was possible for a Pope to be not of the church. Others referred to the treatment of heretics, the power of the clergy, the power of excommunication, and the possibility of the church being governed without a Pope. Very frequently illegitimate consequences were drawn from what he had said. These he protested against, but would not take back any of his assertions. It was in vain that the Council and the emperor called on him to retract (*v. d. Hardt*, IV. p. 325): even a more moderate form of recantation proposed by the Cardinal-bishop of Ostia he declined (*I. c. p. 329*). His letters written at this time express uniformly the most unshaken determination. *Hist. et Mon.* I. p. 84 seq.

²⁷ How judgment was passed and executed, see *Hist. et Mon.* I. p. 33 seq. *v. d. Hardt*, IV. p. 389 seq. cf. *Narratio historica de condemnatione et supplicio Jo. Hus*, by a contemporary, *Hist. et Mon.* II. p. 515 seq. Amongst the heresies attributed to him, it was not only repeated, notwithstanding his protestations, quod post consecrationem in sacramento altaris remaneat panis materialis, but further, quod ille sanctissimæ Triadi quartam adjecisset personam (*v. d. Hardt*, IV. p. 392 seq.). In the secret Archives at Königsberg there is a contemporary history of the Council of Constance in Ms., in which there is a very accurate account of the proceedings against John Huss, see *Jahrbücher Joh. Lindenblatt*; von Voigt and Schubert. S. 299.—The supposed prophecy of Huss: hodie anserem uritis, sed ex meis cineribus nascetur cygnus, quem non assare poteritis, seems to have originated in the time of Luther. It occurs *Opp. Lutheri*, T. V. Altenb. p. 599; VIII. p. 864; IX. p. 1562, and appears to have originated partly in a passage of a letter which Huss sent from Constance to Prague (*Hist. et Mon.* I. p. 121): Prius laqueos, citationes et anathemata anseri (Huss is Bohemian for *Goose*) paraverunt, et jam nonnullis ex vobis insidiantur. Sed quia anser, animal cicur, avis domestica, suprema volatu suo non pertingens, eorum laqueos [non] rupit, nihilominus aliae aves, quæ verbo Dei et vita volatu suo alta petunt, eorum insidias conterent; partly in Jerome's words at his execution, see *Narratio de Mag. Hieron.* I. c. II. p. 531: Vobis certum est me inique et maligne condemnare, nulla noxa etiamnum inventa. Ego vero post fata mea vestris conscientiis stimu-

duct, the Council passed the shameful decree, that no faith need be held with a heretic.²⁸

Jerome of Prague had already left Constance to escape the threatened danger, but was arrested at Herschau, in the Upper Palatinate, and brought back to Constance. After a long and rigorous imprisonment, he was induced, in Sept. 1415, to retract; but new accusations being brought against him by his enemies, he took back his recantation, and was burned at the stake on the 30th May, 1416.²⁹

lum infigo et morsum, ac appello ad celssimum simul et æquissimum judicem Deum omnipotentem, *ut coram eo centum annis revolutis respondeatis mihi.* cf. Manso an vere de M. Luthero vaticinatus sit Jo. Huss, in his vermischten Abhandlungen und Aufsätzen. Breslau, 1821. S. 157 ff.

²⁸ At first Sigismund was disposed to insist on the observance of his safe-conduct (*v. d. Hardt*, IV. p. 26), but allowed himself to be persuaded that it was interfering with the rights of the Council (*l. c. p. 32*). Ferdinand of Aragon urged it too upon the emperor, that he had no right to save a heretic from punishment on such a plea, quoniam non est frangere fidem in eo, qui Deo fidem frangit (see the letter, dd. 18 Apr. 1415, in Schelhorn's *Ergotzlichkeiten aus der Kirchenhistorie u. Literatur*. Bd. 1. S. 217 ff.). The Council decreed, *dd. Sess. gen. XIX. d. 23 Sept. 1415* (*v. d. Hardt*, IV. p. 521): *Præsens sancta Synodus ex quovis salvo conductu, per Imperatorem, Reges et alios sæculi Principes hæreticis, vel de hæresi diffamatis, putantes eosdem sic a suis erroribus revocare, quounque vinculo se astrinxerint, concesso, nullum fidei catholicæ, vel jurisdictionis ecclesiasticae præjudicium generari, vel impedimentum præstari posse seu debere, declarat, quominus salvo dicto conductu non obstante liceat judici competenti ecclesiastico de hujusmodi personarum erroribus inquirere, et alias contra eas debite procedere, easdemque punire, quantum justitia suadet, si suos pertinaciter recusaverint revocare errores, etiamsi de salvo conductu confisi ad locum venerint judicii, alias non venturi.* A special decree also was passed *de salvo conductu Hussonis*, first published in *v. d. Hardt*, l. c.: *Quia nonnulli nimis intelligentes, aut sinistræ intentionis, vel forsan solentes plus sapere, quam oportet, nedum Regiæ Majestati, sed etiam sacro, ut fertur, Concilio linguis maledictis detrahunt, publice et occulite dicentes vel innuentes, quod salvus conductus, per invictissimum Principem Dominum Sigismundum Romanorum et Ungariæ, etc. Regem quondam Johanni Huss hæresiarchæ damnatae memoriae datus, fuit contra justitiam aut honestatem indebitè violatus: cum tamen dictus Johannes Huss fidem orthodoxam pertinaciter impugnans, se ab omni conductu et privilegio reddiderit alienum, nec aliqua sibi fides aut promissio de jure naturali, divino vel humano fuerit in præjudicium catholicæ fidei observanda: idcirco dicta sancta Synodus præsentem tenore declarat, dictum invictissimum Principem circa prædictum quondam Johannem Huss non obstante memorato salvo conductu ex juris debito fecisse quod licuit, et quod decuit Regiam Majestatem: statuens et ordinans omnibus et singulis Christifidelibus, — quod nullus deinceps sacro Concilio aut Regiæ Majestati de gestis circa prædictum quondam Johannem Huss detrahatur, sive quomodolibet obloquatur. Qui vero contrarium fecerit, tanquam fautor hæreticæ pravitatis et reus criminis læsæ Majestatis irremissibilitate puniatur.*

²⁹ See *Narratio de Mag. Hieronymo Pragensi pro Christi nomine Constantiæ exusto in Hist. et Mon. II. p. 522 seq.* Alia de eodem narratio, l. c. p. 528 seq. His death is described by an eye-witness, *Poggii Florentinus*, in *Ep. ad Leonardum Aretinum*, l. c. p. 532 seq., and in *v. d. Hardt*, III. p. 64 seq.: *Jucunda fronte et alaci vultu ad exitum suum accessit: non ignem expavit, non tormenti genus, non mortis. Nullus unquam Stoicorum fuit tam constanti animo, tamque forti mortem perpessus, quam iste appetuisse videtur.*

§ 150.

HISTORY OF THE HUSSITES TO THE CONFIRMATION OF THE COM-
PACTS IN ICLAU (A. D. 1436).

James von Misa,¹ commonly called Jacobellus, pastor of the St. Michael church in Prague, had been led, through Peter of Dresden,² towards the close of the year 1414, to give the cup again to the laity, as necessary to their salvation. This innovation met with high approbation, and after having been sanctioned by Huss in a letter from Constance,³ became so popular with his followers, that from that time forward it became one of the most important peculiarities of the sect.⁴

¹ So called from Misa, a small town in Bohemia, and not as has been often thought, from Meissen, see Pelzel in den Abhandlungen einer Privatgesellschaft in Böhmen. Bd. 6. (Prag, 1784. 8vo.) S. 299. *J. Chr. Martini* diss. do Jacobo de Misa. Altdorfii. 1753. 4to.

² *J. Chr. Schreiber* diss. de Petro Dresdensi. Lips. 1678. 4to.

³ See § 149, note 24.

⁴ *Æneas Sylvius* hist. Bohem. c. 35, says of this innovation: Nondum error de sacramento altaris irrepserat (at the time when Huss was in Hussinecz). Sed attulit novam pestem Petrus Dresdensis (id oppidum Misnae supersitum), qui cum aliis Teutonibus paulo ante Bohemiam reliquerat. Cognitnr inter suos, quia Valdensi lepro infectus esset, patria pulsus, velut hæreticorum asylum Pragam repetit, puerorumque docendorum curam accepit. Apud Ecclesiam s. Michaelis per id temporis populum predicando instruebat Jacobellus Misnensis, literarum doctrina, et morum præstantia juxta clarus. Petrus hunc aggressus, mirari se ait, doctum et sanctum virum, qui divina eloquia plebis exponeret, errorem illum non animadvertisse communio Eucharistiae, qui jam pridem Ecclesiam pessundasset. In qua sub una tantum specie dominicum corpus populo ministraretur, cum apud Joannem Evangelistam et Apostolum Christo dilectissimum sub duplice specie panis vinique sumi jubeatur, dicente apud eum Salvatorem, nisi manducaveritis carnem filii hominis et biberitis ejus sanguinem, non habebitis vitam in vobis. Commotus his Jacobellus, cum perquisitis vetustis sanctorum Doctorum codicibus, Dionysii præsertin et Cypriani, communionem et calicis laudatam invenisset, prohibitus apud sacellum Archangeli Michaelis prædicare, in templo majore s. Martini cathedram sortitus, publice communio populum cepit, ne deinceps communionem calicis, sine qua salvari nemo posset, quoquo pacto negligenter. Huic omnes hæretici consenserunt, haud modica gestientes lætitia, quod articulum invenissent in evangelica lege fundatum, per quem Romanæ sedis vel ignorantia vel nequitia argui posset. Odioso quamvis hæc animo Rex intelligeret, desidia tamen corruptus, et inertia torpens, impune debacchari sinebat hæreticos. The reasoning here is evidently taken out of Jacobellus' writings, the rest *Æneas* may have had from credible sources. The Calixtine Laurentius Brzezyna (erroneously written *Byzynius*) Chancellor of the Neustadt in Prague, relates in his diarium belli Hussitici ab anno 1414 ad 1423, in *J. P. de Ludewig Reliquie Manuscriptorum*, T. VI. p. 124 (now complete in Ms. see Dobrowsky in d. Abhandl. der böhm. Gesellsch. d. Wissenschaften auf d. J. 1788. S. 303 seq.): Anno incarnationis dominice 1414 venerabilis ac divinissima communio Eucharistiae sub utraque specie, panis scilicet et vini, populo communi fideli ministranda, per venerandum ac egregium virum Magistrum Jacobellum de Miza, sacrae theologiae baccalaureum formatum, et alios sibi tunc in hac materia assistentes sacerdotes est inchoata in urbe inclyla et magnifica Pragensi. Primum quidem in Ecclesiis s. Adalberti in nova civitate, s. Martini in Muro, et s. Michaelis, ac capella Bethleem nuncupata in civitate antiqua Pragensi. Quæ certe communio sanctissima successu temporis, quo pluribus diversis minarum ac incarcerationum terroribus per Romanum ac Boemiam Regem

In the correspondence which the subject called forth, Jacobellus had manifestly the advantage.⁵ The Council of Constance confirmed the

Venceslaum, — et præcipue Conrado Archiepiscopo Pragensi, Prælatisque aliis ac Religiosis, et Magistris universitatis studii Pragensis ac Doctoribus, totis viribus suggesterentibus et desudantibus suffocationem, impugnabatur: tanto amplius invalesebat et augmentabatur in populo fideli ac devoto sexus utriusque ad tantum, quod infra duos annos non solum in duabus aut tribus Ecclesiis Presbyteri Magistro Johanni Hus [adhærentes], pro tune *Wiglefestæ* per partem sibi adversari, quæ *Machometica* appellabatur, nuncupati, libertatem prædicandi, et sic ut præmittitur, populum communicandi habebant; sed fere omnibus parochialibus in Praga Ecclesiis, imo et Monasteriis certis, Archiepiscopo et Prælati ipsos excommunicantibus, et interdictum per totam Pragam ponentibus, occupatis populum magnum ad se attraxerunt. Ita quod non solum in Praga, sed etiam regni Boemiae, et Marchionatus Moraviae civitatibus, castris, oppidis et villis populus communis cetervatim cum magna devotione ac reverentia ad sacramissimam utriusque speciei communionem frequentabat. P. 130: Non solun usum rationis habentes, sed et parvuli seu infantes post baptismum, propter baptismi ipsius confirmationem, temporis successu sacramento divinissimæ Eucharistiae sub utraque specie communicabantur, *Mag. Jacobello* — hanc cum sibi aliquibus adhærentibus Magistris et sacerdotibus promulgante et practisare inchoante communionem. Propter quam quidem infantium communionem schisma grave inter Magistros et sacerdotes, veritati Dei et Mag. Johanni Hus adhærentes, in Praga et in regno Boemiae exortum. Nam quidam ex eis infantium communionem fore erroneam et ad baptismi confirmationem non necessariam asserebant: alii e contrario propter dictum b. Dionysii ac aliorum primitiva Ecclesia doctorum hanc sententiam et communionem ipsam catholicam et salutiferam adstruebant. — Nihilominus præfata sacri corporis et sanguinis Domini sub utraque specie — communio tam ad adultos quam ad parvulos et infantes, adversarii ipsius ac æmulis eam ratione et modis diversis suffocare et annullare satagentibus, non tamen præalentibus, de die in diem magis ac magis cresebat et augmentabatur et invalesebat, impugnantibus per temporum successus notabiliter divina virtute coram ipsa ruentibus, et succumbentibus veritati, et damna inexplabilia rerum et corporum luentibus.

⁵ *Jacobellus* wrote first the *Demonstratio per testimonia Scripturæ, Patrum atque Doctorum, communionem calicis in plebe Christiana esse necessariam* (in v. d. Hardt Conc. Const. III. p. 805). Answered by *Mauritius de Praga* (Professor of Theology in Prague, at the time in Constance) *responso ad demonstrationem, etc.* (l. c. p. 826). Also *Anonymi theologi*, in Conc. Const. præsentis, epist. elenchitca ad *Jac. de Misa contra communionem plebis sub utraque specie* (l. c. p. 338). *Andreae Brodae* (Professor of Theology in Prague) disp. acad. contra *communicationem plebis sub utraque specie* (l. c. p. 392). *Jacobellus* replied in the *Vindiciae contra Andr. Brodan pro communione plebis sub utraque specie* (l. c. p. 416). He maintains, p. 428: *fideles de communitate Christianorum, — dum comodose, tempore et loco opportunis possunt habere, hoc divinissimum sacramentum utriusque speciei debent suscipere ad salutem.* — *Dum vero — non possunt habere a sacerdotibus, — et aliunde essent boni et justi, — non eo ipso, quod non possunt, nec docentur sumere hoc divinissimum sacramentum utriusque speciei, sunt de dammandis.* The position taken by some of his opponents may be seen from *Anonymi theologi tract. contra Jac. de Misa* (l. c. p. 658), where we find, p. 693: *Primitiva Ecclesia est ritus, consuetudo, observatio Ecclesiæ fidelium circa fidem tempore Apostolorum, et aliorum LXXII. discipulorum, et sequacium ipsorum usque ad Sylvestrum Papam. Sed Ecclesia moderna dicitur ritus, consuetudo et observatio Ecclesiæ circa fidem, incipiens a Silvestro Papa usque ad hodiernum diem: capiendo autem modernum magis propinquè, tunc est quod duravit per ducentos. Per centum autem annos dicitur Ecclesia moderna, saltim referendo tale tempus ad observationem fidelium circa fidem. Pro quo sciendum, quod omnia siebant simpliciori modo et grossiori in primitiva Ecclesia, quam fiunt in moderna Ecclesia.* Quia baptismus siebat simplici aqua, nunc autem fit in benedicta. Sic etiam divina officia et multa alia siebant simpliciori modo: sed in moderna Ecclesia omnia digniori modo fiunt. Sie etiam in primitiva communicatio apud Corinthios siebat sub duplice specie: in moderna omnia sunt reducta ad

established doctrine on the 15th June, 1415, and condemned the opposite doctrine as heresy.⁶ This decree, however, together with the execution of Huss which followed immediately, and the contempt expressed by the Council for the heretical Bohemian, brought that country into the most violent ferment. Jacobellus continued to defend the Communio sub utraque.⁷ Huss was honored as a martyr,⁸ and a letter full of the most bitter reproaches addressed to the Council,⁹ by an assembly of

meliorum formam, ad unam speciem. Quia multa Apostoli et alii sequaces omis-
runt, quæ moderna Ecclesia implevit: quia dicitur in *Actis Apostolorum*; cre-
scente Ecclesia crescit et Spiritus Sancti operatio. Et in *Decretalibus c. Cum
Marthæ* (Deer. Greg. III. 41, 6), dicitur; *Multa servat Ecclesia, quæ per
Apostolos fuerunt omissa, etc.*

⁶ See § 144, note 6.

⁷ *Jac. de Misa* apologia pro communione plebis sub utraque specie contra Constant. Conc. decretum condemnatorium, in *v. d. Hardt*, III. p. 591.

⁸ A yearly festival in honor of Huss and Jerome, on the 6th July, is mentioned by *Eneas Sylv.* hist. Bohem. c. 36. Theobald, Th. I. Cap. 27. S. 133.

⁹ The letter of the Council to the clergy of Prague, announcing the execution of Huss, and calling on them to extirpate heresy, in *v. d. Hardt*, IV. p. 485 seq. In the letter of the 54 nobles assembled at Prague, to the Council, dd. 2 Sept. 1415. l. c. p. 495. Hist. et Mon. I. p. 98, we read, e. g.: Nos — pro carissimo proximo nostro, — Johanne Huss, — prædicatore evangelico, quem nuper in Concilio Constantiensi, nescimus quo spiritu ducti, non confessum, nec legitime, ut decebat, convictum, — sed ad sinistras, falsas et importunas duntaxat suorum et regni nostri — capitalium inimicorum et proditorum accusations, — tanquam hæreticum pertinacem condemnasti, et condemnatum dira et turpissima morte affecisti, in nostri regni Bohemiæ christianissimi et Marchionatus Moraviæ clarissimi, ac onanum nostrum perpetuam infamiam et notam: quemadmodum serenissimo Principi et Domino, Domino Sigismundo — scripta ad Constantiam transmissimus, quæ etiam in congregationibus vestris lecta sunt et publicata, — et ea, ut refertur, in nostrum dedecus et contemptum ignis voragini tradidisti: ita et nunc pro dicto M. Jo. Hus literas nostras patentes præsentibus duximus destinandas, publice corde et ore profitentes et protestantes, quod ipse M. J. Hus fuit vir utique bonus, justus et catholicus, a multis annis in regno nostro vita et moribus ac fama laudabiliter conversatus et comprobatus; legem etiam evangelicam — nos et subditos nostros catholice docuit, — omnes errores et hæreses constantissime detestando. — Nec premissa omnia in confusione nostram, et regni nostri et Marchionatus præfatorum perpetra vobis sufficerunt; quin potius honorandum M. Hieronymum de Praga — non confessum, nec convictum, sed ad solam suorum et nostrorum proditorum delationem sinistram — comprehensum incarcerasti: trucidasti etiam forte, sicut et M. Johannem Hus crudelissima morte interemisti. Præterea ad nostram — pervenit notitiam, — quomodo quidam detractores — coram vobis — nos — gravissime et nequissime detulerint, asserentes, licet false, — quod in præfatis regno Bohemiae et Marchionatu Moraviæ diversi errores pullularint, et corda nostra — infecerint. — Equidem has atrocies et pernicioseissimas injurias — nobis et præfatis regno et Marchionatui, licet false et mendose, impositas quomodo sustinere possumus? Cum per gratiam Dei — regnum nostrum Bohemiæ christianissimum, et clarissimus Marchionatus Moraviæ a tempore, quo fidem catholicam — suscep-
runt, — s. Romanæ Ecclesiæ semper constanter et indesinenter adhaeserunt. — Ut autem juxta sententiam Apostoli provideamus bona non solum coram Deo, sed etiam coram hominibus; — ideo — certam orthodoxamque fidem tenore præsentium V. P. et universis Christifidelibus innotescimus, — profitentes, quod quicunque hominum, — qui — dicit vel asserit, quod in præfatis regno Bohemiae et Marchionatu Moraviæ errores et hæreses pullulassent, et nos — infecissent, — recte mentitur in caput suum, tanquam nequam, pessimus traditor et proditor prædictorum regni et Marchionatus, et solus utique hæreticus pernicioseissimus: — nihilominus tamen præmissas injurias Domino — nunc committentes, apud futurum Apostolicum, — unicum et dubitatum pastorem, illas amplius et latius prosequemur. —

Bohemian and Moravian nobles, who had associated themselves together for six years for the defence of the true doctrine.¹⁰ It was in vain that they were summoned to appear in Constance:¹¹ the national excitement was still further heightened by the execution of Jerome, and finally, after the decision of the university in favor of the Communio sub utraque,¹² this view was adopted almost universally amongst the people.¹³ Still, however, the Council thought best to resort to severe measures, and began with issuing regulations in 24 articles, for putting down by force the Bohemian heretics,¹⁴ and the Pope sent legates thither for the purpose.¹⁵ The king, Wenzel, was entirely indifferent to the dispute,¹⁶ but at the same time too weak and undecided to be able to preserve order. The Hussites, assisted by the violent catholics, especially the clergy, were driven to resistance. Having assembled themselves under the command of two

Præmissis enim non obstantibus legem Domini nostri Jesu Christi, ipsiusque devotos, humiles et constantes prædicatores usque ad effusionem sanguinis, omni timore et statutis humanis in contrarium editis postergatis, defendere volumus et tueri.

¹⁰ See the *Syngrapha dd. Victorini* (5 Sept.) 1415, in the *Hist. et Mon. I.* p. 98. They bound themselves in particular ut in omnibus nostris ditionibus quisque pro se curaret verbum Dei libere — in templis et monasteriis doceri et audiri; itaque nullum sacerdotem arcedum — esse, qui — petat sibi concedi, ut doceat verbum Dei juxta s. Scripturæ veritatem. Quodsi sacerdos alicujus erroris insimulatus fuerit, ut is ad Episcopum suæ ditionis citetur: a quo si deprehensus fuerit alienum aliquid a verbo Dei in vulgus spargere, manifeste puniri debet, convictum vero nos prohibebimus, ne infra nōstrōs fines amplius concionetur. Sin quispam ex Episcopis odio veræ et evangelicæ doctrinæ sacerdotum aliquem nullo in errore deprehensem privata cupiditate inordinate et clam pōna aliqua afficere voluerit, decrevimus apud nos, ut nullum postea sacerdotem ad tales Episcopum citari pateremur, sed ut hæc res ad celeberrimā Academiā Pragensis Rectorem, Doctores sacrarum literarum et Magistros referatur, et per eosdem de toto negotio secundum sacræ Scripturæ veritatem cognitio fiat. Deinde hoc quoque communi sententia decrevimus, ut omnibus sacerdotibus, quicunque sub nostro imperio vivunt, mandaremus, nullas ut a quoquam excommunicationes accepissent, præterquam ab Episcopis nostræ ditionis. Nam excommunicationes legitimas retinere eisque libenter parere volumus. Si qui vero ex eisdem Episcopis nostræ ditionis voluerint iniquis excommunicationibus, aut vi aliqua injusta nobis aut nostris Ecclesiis molesti esse propter verbum Dei, et sanctum ejus testamentum, aut propter aliud quiddam, de quo non fuerit facta cognitio legitima, illis ipsis decrevimus non modo non obtemperare, sed etiam resistere, si ita necessitas postulabit. — Hæc omnia ut rata inter nos ac firmasi, nos mutuis inter nos auxiliis operam dabimus. Quod si quis nostrum recusaverit, is et nominis sui et omnium bonorum jacturam patietur.

¹¹ The letter dated 24 Febr. 1416, in *Raynald*, h. a. no. 8. *Balbini Miscell. hist. regni Bohem. Lib. VI.* p. 144, 156.

¹² The document, dated March 10, 1417, in *Cochlaei hist. Hussit.* p. 159. *Hist. et Mon. II.* p. 539.

¹³ See Pelzel's *Lebensgesch. des Königs Wenceslaus.* Th. 2. S. 656.

¹⁴ Which see in *Cochlaeus*, p. 165.

¹⁵ Theobald, Th. 1. cap. 29, in Anf. S. 138.

¹⁶ He wrote to his brother Sigismund, as we gather from Sigismund's answer to Wenzel's ambassadors (see Pelzel, Th. 2. *Urkundenbuch*, S. 169), qualiter nesciat in regno suo aliquos erroneous homines. He granted the followers of Huss, 25th Febr. 1419, three churches in Prague for their worship, under the condition that they would keep the peace. Pelzel, Th. 2. S. 680. *Urkundenbuch*, S. 171.

noblemen, Nicholas of Hussinecz, and John Ziska, at Mount Tabor,¹⁷

¹⁷ Brzezyna gives an account of this in two passages, *Ludewig Reliq.* VI. p. 142, and more at large, p. 186. In the last: Factum est anno Dom. 1419, quod Presbyteri cum eorum vicariis propre castrum Bechinense durius sic (*sub utraque specie*) communicantibus insultabant, eosdem armata manu de Ecclesiis eorum expellentes, tanquam erroneous et hereticos. Qua de re Presbyteri cum sibi juncto populo montem magnum magna planicie exornatum ascendunt, et in ejus summittate tentorium de lineis pannis ad modum capellæ expandunt. In quo agentes divina, populum ibidem confluentem, sine ullius communionis impedimento, venerabilis Eucharistiæ sacramento devotissime reficiunt. Qua peracta et depositis lineis pannis ad propria redeunt, et monti nomen Tabor imponunt (*Tabor* is Bohemian for tent: there was, however, no doubt, a reference also to the mount of the transfiguration), ad quem venientes Taboritæ sunt nuncupati. Hæc cum ad aures adjacentium civitatum, oppidorum et villarum devenient, fratres Presbyteri circum circa vicini, condicta certæ festivitatis die, populum eis junctum cum venerabili corporis Christi sacramento ad Tabor sonoris vocibus deducunt pro veritatis ibidem, ut dicebant, confirmatione, ac fratribus sororumque ibidem existentium confirmatione ac consolatione. Quibus taliter venientibus occurunt de Tabor cum venerabili altaris sacramento fratres ac sorores pro alaci venientium susceptione. Venientes illa itaque in montem totam diem nou in lasciviis, sed in his quæ salutem animarum concernunt expendebant. Presbyteri nempe eorum terno functi sunt ibidem officio: doctiores namque ac eloquentiores a summo mane populo per normas diviso, seorsum viris, ac seorsum mulieribus et pueris verbum Dei, et præsertim, quæ superbiam, avaritiam fastuque Cleri concernebant, sine omni formidine populo alternatim prædicabant, aliis pro tunc continue ad auricularem confessionem considerentibus: et tertii peractis divinis populum a diescente usque ad meridiem utraque specie, corporis scilicet et sanguinis Domini Christi, communicabant. Ita quod in die Mariæ Magdalena (22 July) XLII. millia cum aliquot et XX., virorum, mulierum et parvulorum taliter communicantium fuerunt a Presbyteris computati. Quibus omnibus taliter, ut præmittitur, expeditis vadunt pro corporis refectione ad loca ibidem in monte multipliciter præparata, et simul in caritate fraterna convivantes, non ad libidinem aut ebrietatem, non ad levitatem et dissolutionem, sed ad majorem et fortiorum Dei servitatem. Ibique omnes sese fratres et sorores appellantes, ditior cum paupere victualia, quæ erant præparata, dividebant. Ita nihil, quo ineibriari potest, permisum fuerat propinari. Ibi etiam nulla chorea, nullus taxillorum et globorum, aut alterius levitatis ludus, non dico seniorum, sed et parvulorum, habebat indulgentiæ locum. Ibi denique nullæ contentiones, nulla furtæ, nullæ sonantum fistulæ, aut cythararum melodiarum, prout hactenus in Ecclesiæ dedicationibus fieri solebat, potuit reperiri: sed omnium, more Apostolorum, fuit unum cor et una voluntas, nihil aliud tractantes, nisi quæ forent de animarum salute ac de Cleri ad pristinum, primitivæ scil. Ecclesiæ, statum reductione. Peracta itaque, ut dictum est, modica corporis refectione, surgunt cum populo Presbyteri ad agendum Deo gratiarum actiones, cum venerabili Eucharistiæ Tabor montem processionabiliter circumirent, virginibus sacramentum precedentibus, et viris ac mulieribus in suis turmis sequentibus, vociferantes et psallentes in canticis, prout videbatur expedire. Hac processione finita, vale sibi mutuo facientes cum suis Presbyteris — veniunt unde exiverunt. Factum est autem, cum supra dicta in longiores partes vulgarentur, cœpit numerus venientium de die in diem notabiliter augmentari. Nam non solum jam de Pyska, etc. —, sed de Praga, etc. —, necnon de multis locis Moraviae pedestres et equestres in Tabor confluabant. — Quapropter — Rex Wenceslaus cum quibusdam inimicis veritatis cœperunt graviter ferre, timentes ne tanta populi multitudo Regem et Archiepiscopum, prout famabatur, pro defensa legis Dei eligerent, et eorum bona velut adversariorum per potentiam, cui resistere non valerent, invaderent ac depopularent (compare p. 143: Quomobrem Rex Boemiae Venceslaus multum est turbatus, se de regali solio dejici timens et expavescens, Nicolaumque de Hus in locum sui substitui suspicando). Quidam ea de causa ex nobilibus districtius subditis sui sub pena colli et bonorum perditione præcipiunt, ne per amplius ad montem Tabor audeant concurrere. Sed hujusmodi mandatum rustici cum suis mulieribus modicum aut nihil advertentes, potius dimissis omnibus, quæ possederant, ad Tabor montem in certis festivitatibus venire nullatenus negligebant, allecti et attracti, prout ferrum attrahit magnes.

they celebrated there their communion, and founded a town bearing the same name. With the feeling of their strength grew also the wildness of their fanaticism. Led on by Ziska, a band of Taborites advanced to Prague, and took signal vengeance on the Council of the Neustadt (on the 30th July, 1419) for the insults which had been offered their communion cup in the city.¹⁸ At this juncture Wenzel died (Aug. 16), and in the general unwillingness to submit to the hated Sigismund, his death was followed by complete anarchy, which was made still worse by the difference of doctrine which sprung up between the Hussites in Prague, and the Taborites.

The Hussites in Prague (Calixtines, Utraquists) adhered to the doctrines of Huss and Jacobellus, which in 1421 they set forth in 4 articles.¹⁹ In the mean time, however, since its estrangement from the church, Bohemia had become the resort of the persecuted *Beghards*, there pronounced *Picards*, of whom there had been a small congregation in Prague ever since A. D. 1418.²⁰ These soon joined

¹⁸ *Brzezyna* in *Ludewig*, VI. p. 143. *Aeneæ Sylvii hist. Bohem.* c. 37. init. *Pelzel*, Th. 2. S. 684 f.

¹⁹ *Brzezyna*, p. 176 seq. Magistri civium, consules et scabini totaque communitas civitatis Pragensis proclaimed in the document, which was written in Latin, Bohemian and German: Notum sit omnibus Christifidelibus quod fideles in regno Bohemiæ instant, et Domino juvante instare proponunt sive per mortem, sive per vitam, quantum est eis possibile, pro articulis infra scriptis: *Primo*, quod verbum Dei regnum Bohemiæ libere et sine impedimento ordinate a sacerdotibus Domini prædictetur. — *II.* quod Sacramentum divinissimæ Eucharistiæ sub utraque specie, panis scil. et vini, omnibus Christifidelibus nullo peccato mortali indispositis libere ministretur juxta sententiam et institutionem Salvatoris. *III.* quod dominium sœculare super divitiis et bonis temporalibus, quod contra præceptum Christi Clerus occupat in præjudicium sui officii et damnum brachii sœcularis, ab ipso auferatur et tollatur, et ipse Clerus ad regulam evangelicam et vitam apostolicam, qua Christus vixit cum suis Apostolis, reducatur. — *IV.* quod omnis peccata mortalia, et speciatim publica, aliisque deordinationes legi Dei contrariae in quolibet statu rite et rationabiliter per eos, ad quos spectat, prohibeantur et destruantur. Quæ qui agunt, digni sunt morte, non solum qui ea faciunt, sed qui consentiunt facientibus, ut sint in populo fornicationes, concessiones, etc. — In Clero autem sunt simoniæ hæreses et exactiones pecuniarum a baptismō, etc. — moresque impii et injusti, ut sunt impudici concubinatus, — iræ, rixæ, contentiones, frivole citationes, et hominum simplicium pro lubitu vexationes et spoliaciones, etc. — Quod si aliquis ultra hanc piam nostram et sanctam intentionem aliqua nobis adscribat impudica et enormia, tanquam falsus et iniquus testis a Christifidelibus habeatur, etc.

²⁰ See *Dobrowsky* in d. *Abhandlungen der böhm. Gesellschaft d. Wissenschaften* f. 1788. S. 309 seq., and the fragment given there from a Ms. of *Brzezyna*: Origo autem et radix hujus maledictæ hæresis pervenit ad Boemiam regnum a quibusdam Piccardis, qui anno 1418 Pragam cum uxoribus (et liberis) venerunt. They must, however, have come as early as 1417, for on the 25 Jan. 1417 (i. c. 1416), the university condemned them (*Pelzel*, Th. 2. *Urkundenbuch*, S. 163): Sane, quod nimis dolenter referimus, ad audientiam nostri crebris relativis et clamoribus iteratis est deductum, quomodo nonnulli diversarum communitatium ex errorea et diabolica doctrina in destructionem fidei ac religionis Christianæ temere tenent et adstruere conantur, non esse purgatorium, et consequenter quod non sit orandum vel eleemosynandum pro defunctis. Quodque non sint tenenda in Dei Ecclesia imagines, immo asseverant, quamvis false, quod habere Christi et Sanctorum imagines legi Domini repugnaret. Insuper quod benedictiones salis et aquæ fontis baptisterii — cum aliis Ecclesiæ benedictionibus — errorem saperent. — Et hinc illas cum aliis laudabilibus Ecclesiarum ceremoniis funditus evellere et

themselves to the Taborites, as the most determined opponents of the ruling power in the church,²¹ and spread their doctrines amongst them with great success. The Taborites now rejected scrupulously every doctrine or usage not founded in Scripture, they abhorred all worldly pleasures, even the sciences,²² whilst their fanaticism, sur-

destruere nituntur. — Supplicamus, ut si ad vos dogmatisatores quicunque prædictorum errorum cum suis falsis sententiis pervenerint, — tamdiu illis liberam dencetis audientiam, quamdiu coram nobis suam docerent sententiam fore justam.

²¹ *Thom. Ebendorffer de Haselbach*, D. theol. at the university of Vienna († 1460), *Chron. Austriacum in Pezii Scriptt. rerum austr. II.* p. 846: Ibi quoque sumta occasione Waldenses, qui usque latuerunt, suas cervices exererunt, primum latenter suos inducentes errores, postea vero armata manu defensare et alios ad eosdem nisi sunt compellere.

²² The Calixtine *Brzezyna* continues, after the passage cited in p. 190, thus: Cum hæc talia, ut præmittitur, agerentur, et plurimi tam nobilium quam vulgarium sexus utriusque, dimissis vanitatibus, legi Dei operam darent: Diabolus salutis generis humani inimicus per aliquos falsos fratres Presbyteros mundo legis Dei tritico varias errorum et hæresium superseminavit zizanias. — Nam cum eo tempore non esset Rex et Princeps in Israel, ad quem subditi haberent respectum, faciebat unusquisque quod sibi rectum videbatur. Et plurimi Taboritarum Presbyteri, magnam habentes populi confluentiam et adhaerentiam, dimissi ss. doctrinum Ambrosii, Hieronymi, Augustini, Gregorii et cæterorum ab Ecclesia approbatorum sententias, suis de propriis ingenii elaboratis glossis antiquum et novum interpretati sunt Testamentum, multa falsa et erronea veris immiscentes, per quæ facilis corda simplicium poterant ad eorum sententias inclinari. Fundamentum autem omnium malorum sequentium fuit erroneous Scripturarum intellectus. Dicabant namque eorum directores et doctores, quod non oportet doctorum, qui fuerunt puri homines, uti scholarum sententias, cum Christus Deus et homo sufficienter in novo Testamento expressit omnia, quæ cuilibet homini viventi sunt necessaria ad salutein, et quomodo vetus novum, et vice versa novum vetus exponit Testamentum. In 1420 they published their doctrines in 14 articles: I. Nulla scripta aut dicta quorumeunque doctorum a fidelibus sunt tenenda, — nisi quæ in canone Bibliæ explicite continentur, quia omnes libri talium sunt astutiae Antichristi et adjiciendi, destruendi aut comburendi. II. Omnis homo in eo, quod studet in artibus liberalibus, aut gradus in eisdem accipit, est vanus et gentilis, et peccat contra Evangelium D. N. J. C. III. Nulla decreta ss. Patrum aut seniorum instituta, nullus aliquis ritus, aut traditio humanitus inventa sunt tenenda: sed omnia talia sunt abolenda et destruenda, velut Antichristi traditiones, cum Christus et ejus Apostoli ea fieri nullib[us] in novo Testamento expresserunt. IV. Ex prædictis concludebant sequentia, quod nullum chrisma, aut sacram oleum, aut aqua baptismalis sunt consecranda vel sanctificanda. Similiter calix nullus, corporale, ornatus et de aliis rebus in Ecclesia fieri consuetis sunt exorcissanda, benedicenda aut sanctificanda. Similiter nullæ horæ canonicae sunt dicendæ. Nec ritus Missæ in ornatu et signis ac ordine dudum ab Ecclesia constituto, nec cantus ecclesiastici sunt tenendi, sed potius tanquam humanæ traditiones et legis Dei impeditiva abjicienda et destruenda. V. Infantes non debent cum exorcismis et solitis in baptimate compatribus in aqua ad hoc benedicta et consecrata baptisari. Sed possunt in quacunque alio recenti, et ubi libererit, baptisari. VI. Omnes libri missales aut cantuale, similiter et viatici et libri hymnorū, et omnis ornatus seu veste missales, aut alia spiritualia pro peragendis divinis indumenta, monstrantiae et calices, aut cinguli argentei vel aurei, et omnis vestis polymita, et conspersa, aut quovis modo depicta: hæc omnia sunt destruenda vel comburenda, magisque licet rusticis in dictis sacris vestibus incedere, et cappas et manicas ex eis facere, quam Presbyteris in eis peragere divina. VII. Confessiones auriculares non sunt currandæ aut observandæ, nec ad eas peccatores etiam criminales obligantur, sed soli Deo sufficit mente tenus confiteri. VIII. Jejunia quadragesimalia, quatuor temporum, in vigiliis, cæteraque humanitas aut consuetudine introducta non sunt a fidelibus observanda, sed pro velle sui beneplaciti unusquisque his diebus comedat, quicquid habet, aut quod sibi apparabit. IX. Dominico die excepto nulla alia

rounded as they were by dangers, very naturally showed itself in various superstitious expectations and notions.²³ On the other hand,

festivitas est ex aliquo debito celebranda a fidelibus. X. Omnis Presbyter cum platta et in ornatu vel superpellicio divina peragens, aut Missam ritu consueto celebrans, est sicut illa meretrix, de qua scribitur in Apocalypsi, a fidelibus contemnda. Sed Missa est ad instar Christi et Apostolorum cum barbis et sine platta in communi veste et sine altari, in quounque loco contigerit, celebranda. Et sacramentum Eucharistiae alta voce propter adstantes est confidendum, et ipsum non est elevandum, nec in crastinum est conservandum. XI. Sacerdotes evangelici domos eis ratione eleemosynæ pro perpetuo a Laicis concessas aut deputatas non possunt licite inhabitare, nec possunt habere bona temporalia, jure civili ab eisdem subtracto penitus et ablato, nec a taliter habentibus accipienda sunt sacramenta, quamvis jus sic habendi eis esse illicitum notorie recognoscant. XII. Post mortem corporalem animarum fidelium non est credendus locus purgationis aut tenendus, stultumque et inane est pro fidelibus defunctis exorare, aut alia pietatis opera exercere. XIII. Invocationes aut postulationes nostræ, tam mentales, quam vocales, ad sanctos, qui sunt in cœlesti patria, pro aliquibus suffragiis sapiunt hæresin aut idolatriam. XIV. Nulla imago nec aliqua similitudo eorum, quæ sunt in coelo et terra, sub pœna idolatriæ est habenda, sed qualibet talis est tanquam idolum destruenda et comburenda. Quia scriptum est *Exodi XX: non facies tibi sculptile, nec omnem similitudinem*. Brzezyna adds further, that they founded the rejection of all usages not found in the bible, on *Apoc. xxii. 18: si suis apposuerit ad hæc, apponet Deus super illum plagas scriptas in libro isto:* and on the words of Christ to the Scribes and Pharisees, *Matth. xv. 6: irritum fecistis mandatum Dei propter traditiones vestras.* After the Hussites in Prague had published their 4 articles (see note 19), the Taboritarum et omnis advenarum communis, sent to them 12 articles as the only conditions of further intercourse, *Brzezyna*, p. 185: II. quod articuli, ad quos Capitanej, consules et communis consenserunt (those hereby made known), quia jam dudum sunt per prædicatores proclamati, teneantur et observentur sub pœnis pronulgatis. III. quod manifesti peccatores — non tolerentur absque pœna. IV. quod potationes tabernales — non fiant. V. quod vestes superbas non portent. VI. quod in artificiis et foro provideatur, ne fiant illusiones, spolia, usuræ, juramenta, inutilitates et vanitates, dolii, etc. VII. quod jura paganica et teutonica, quæ non concordant lege Dei, tollantur, et jure divino ut regatur, judicetur, et totum disponatur. VIII. quod sacerdotes ex parte servent se secundum ordinem divinum et imitationem propheticam et apostolicam. IX. ut magistri subjiciant regulariter juri divino, sicut et alii fideles Christiani, et suas proscriptiones ut ad voluntatem Dei regulent et in prætorio reponant, ut examinentur juxta legem Dei. X. ut omnes census sacerdotum ad bonum commune convertant, et usurarios destruant. XI. ut adversarios veritatis Dei ex se ejiciant, et profugos et bannitos ne suscipiant. XII. ut Monasteria hæretica destruant et corrumpant, Ecclesias non necessarias, et altaria, imagines patenter et occulte servatas, ornatus superbos, et calices aureos et argenteos, et omnem antichristianam plantationem idololatricam, et simoniacam pravitatem, quæ ex Deo, patre cœlesti, non est.

²³ *Brzezyna*, p. 155, A. D. 1420: Item hisce temporibus sacerdotes quidam Taborienses novum Christi adventum prædicabant populo. In quo adventu omnes mali et veritatis æmuli perire debeant et exterminari, et boni duntaxat in quinque conservari civitatibus. — Harum hæc sunt nomina Pilzna, quæ per ipsos civitas solis est appellata, Zatecz, Luna, Slana et Laatowia. — Quorum sententiis frivilis, tanquam veridicis, multi simplicium zelum habentes secundum Apostolum, sed non secundum scientiam, acquiescentes, bona sua pro levi etiam pretio vendendo, ad ipsos de diversis regni Bohemiae et Marchionatus Moraviae districtibus cum uxoris et pueris confluebant, et pecunias ad pedes ipsorum sacerdotum projiciebant. Their doctrines are given at large, p. 203 seq. Primo, quod in præsentis sæculi consummatione adveniet Christus occulte, sicut fur, novo adventu ad regnum suum reparandum, pro quo oramus: *adveniat regnum tuum:* et in hoc adventu non erit tempus gratiæ, sed ultionis et retributionis in igne et gladio. Ita quod omnes legis Christi adversarii debent perire septem plagis novissimis, ad quarum executionem sunt fideles provocandi. — Item in hoc tempore ultionis

few of them could be gained over to the view, that the bread and wine in the Communion were only signs, and these few were stigmatized by the rest with the name of Picards, and driven from Tabor. Some of these also fell into the heresy of the Free Spirit, and were called Adamites, but were soon exterminated by Ziska, A. D. 1421.²⁴ The name, however, was given by their adversaries to the Taborites generally.

Immediately after the death of Wenzel, the Taborites began to burn the churches and convents, and maltreat the priests and monks.²⁵ There was no hope of gaining them over, but by a little indulgence Sigismund might easily have prevailed on the Calixtines to acknowledge him as their king. But as he threatened all the Hussites alike by causing a crusade to be immediately proclaimed by the

quilibet fidelis, etiam Presbyter, quantumcunque spiritualis, est maledictus, qui gladium suum corporalem prohibet a sanguine adversariorum legis Christi, sed debet manus suas lavare in eorum sanguine et sanctificare. Item isto tempore ultiōnis, quicunque audiverit prædicari vocem Christi, qua dixit: *tunc qui in Iudea sunt, fugiant ad montes*; et qui non exiverit de civitatibus — ad montes corporales, ubi modo Taborienses vel eorum fratres congregantur, ille peccat mortaliter contra præceptum Christi, et in peccato suo peribit, quia nunc nemo salvari potest a plagis Domini, nisi veniant ad montana. Item hoc tempore ultiōnis omnes civitates — debent desolari, destrui et comburi, quia jam nec Dominus Deus nec aliquis in eas ingreditur. Item quod fratres Taborienses isto tempore ultiōnis sunt angeli missi ad educendum fideles de omnibus civitatibus — ad montes, sicut Loth de Sodomis. — Sunt exercitus a Deo per totum mundum missus ad tollendum omnia scandala de regno Christi, quod est Ecclesia militans, et ad ejiciendum malos de medio justorum, et ad faciendum vindictam, — et nationes adversariorum legis Christi et eorum civitates — evertendas. — Item in fine istius consummationis sœculi Christus descendens de celo manifeste veniet, — ut regnum in hoc mundo assūnat, et faciet grande convivium et coenam agni, veluti nuptias sponsæ suæ Ecclesiæ hic in montibus corporalibus. — Item in adventu Christi isto secundo ante diem iudicii cessabunt Reges, Principes, ac omnes Ecclesiarum Praelati; — in hoc regno reparato nullum erit peccatum; — parcent mulieres infantulos suos sine dolore et peccata originali (*Isaia lxvi*); — parvuli in hoc regno nati — nunquam morientur, quia mors ultra non erit (*Apoc. xxi*). — Et dicebant hoc fieri cito infra paucos annos, in quibus aliqui ex nobis remanentes vivi videbunt sanctos Dei resurgentēs, et inter eos Mag. Johannem Hus, quia abbreviabit Dominus hoc tempus ultiōnis, accelerando consummationem sœculi propter suos electos. Item isti electi, qui sic vivi relinquuntur, ad statum innocentiae ipsius Adæ in Paradiso, et ut Enoch et Elias, reducentur. Et erunt absque omni fame et siti, et omni alia pena tam spirituali, quam corporali. Qui etiam sancto connubio et immaculato thoro generabunt carnaliter hic in terris et in montibus filios et nepotes absque omni dolore et perturbatione, et absque omni peccato originali, nec tunc opus erit baptismate fluminis, quia in Spiritu Sancto baptizabuntur, nec ibi erit sanctæ Eucharistiae sacramentum, quia novo modo angelico pascentur, non in memoriam passionis Christi, sed ejus justitiæ. Brzezyna then enumerates the passages on which these opinions are founded, mostly taken from the Prophets and the Apocalypse.

²⁴ See Jos. Dobrowsky, Gesch. der böhm. Pikarden und Adamiten, in den Abhandlungen der böhm. Gesellschaft der Wissenschaften auf d. J. 1788. 8vo. 300 ff. especially Brzezyna's account ex Ms. ibid. S. 317 seq. *Eneas Sylvius* hist. bohem. c. 41, supposes that they had a founder: Pichardus quidam ex Gallia Belgica, transmissio Rheno, per Germaniam in Bohemiam penetravit, and takes Picards as synonymous with Adamites. The errors of the Adamites are recounted by Brzezyna from an account sent to Prague by Ziska in Dobrowsky, S. 325 seq.

²⁵ This began in Prague on the day after Wenzel's death, see Brzezyna in Ludewig, VI. p. 145 seq.

Pope's legate against the heretical Bohemians,²⁶ they all united against him, and not only defended themselves triumphantly against three crusading armies, but even made incursions into the neighbouring countries.²⁷ In these wars the Taborites signalized themselves by their valour, first under Ziska,²⁸ and after his death (1424) divided into two parties, one of them led by the older Procopius, the other, called the *Orphans*, directed by a council of war, of which the younger Procopius was the most important member.

After the failure of the third crusade (1431) the opponents of the Hussites perceived that nothing was to be gained by force, and negotiations were immediately opened by the Council of Basil, at which the same legate, Julius Cesarini, presided, who had led on the last crusade.²⁹ The deputies of the Hussites appeared in Basil, after

²⁶ Martin V.'s crusade bull of March 1, 1420, in *Cochlæi hist. Hussit. lib. V.* p. 183, and in Schelhorn's *Ergötzlichkeiten aus der Kirchenhistorie*. Bd. I. S. 607 ff. Several others from the year 1428 and 1427, see in *Brown Appendix ad fasciculum rerum expetendarum et fugiendarum*, p. 611 seq.

²⁷ See generally *Brzezyna*, l. c. Eberh. Windeck's (a counsellor of Sigismund) *Leben K. Sigismunds*, Cap. 72, in *Menken Scriptt. Rer. Germ. I.* p. 1127 seq. *Æneæ Sylvii hist. Bohem. c. 42 seq. Cochlæi hist. Hussit. lib. V.* p. 178 seq. Theobald's *Hussitenkrieg*, Th. I. Cap. 33 ff. S. 148 ff. — *Histoire de la guerre des Hussites et du concile de Basle par Jag. Lenfant. T II. Amst. 1731. 4to. Supplément à l'hist. de la guerre des Hussites de Mr. Lenfant, par Isaac de Beauzobre. Lausanne, 1735. 4to. J a c. Lenfant's Gesch. des Hussitenkrieges, mit wichtigen das Original berichtigenden Noten von M. Eh. Hirch. Presburg, 1783. 4 Theile, 8vo. Geschichte des Hussitenkriegs. Zittau u. Leipzig, 1795. 8vo.*

²⁸ Merkwürdige Lebensgeschichte des Johann. v. Trocznow ober sogenannten Zizka, Heerführer der Böhmen, Prag, 1792. 8vo. Zizka's militärische Briefe u. Verordnungen, von K. Ungar, in d. Neueren Abhandlungen d. k. böhmischen Gesellsch. d. Wissenschaften. Bd. I. (Wien u. Prag, 1791. 4to.) S. 371 ff. Diplomatisch-historische Aufsätze über Joh. Zizka v. Trocznow von Max. Millauer. Prag, 1824. (which forms a part also of the Abhandl. d. königl. böhm. Gesellsch. d. Wissensch. Neuer Folge Bd. I. Prag, 1827. 8vo.)

²⁹ The Hussites had before been summoned to refer their cause to this Council, but with the demand that they should agree beforehand to submit to its decrees, see the account of Sigismund's negotiations with the Hussites in Presburg, 1429, in J. G. Schelhorn's Beiträgen zur Erläuterung der Geschichte, bes. der schwäb. Gelehrten- u. Kirchen-Geschichte, Stück 3 (Memmingen, 1774. 8vo.) S. 77. They now attempted to prove the justice of their cause in public letters addressed to the princes and people, see one of A. D. 1430, in *Brownii Appendix ad fasciculum rerum expetendarum et fugiendarum*, p. 632, another dated July, 1431, in *Mansi XXIX. p. 641*, and German in Theobald's *Hussitenkrieg*, Cap. 73. S. 272 seq., in which last they complain particularly of their being summoned to submit to the Council. But the summons of the Council to the Bohemians, dd. 15 Oct. 1431 (*Raynald*, h. a. no. 24, complete in *Mansi XXIX. p. 233 seq.*) promises: *Hic quidquid pertinet ad fidei veritatem, — omni eum diligentia et libertate traetabitur. Licebit libere omnibus exponere, etc.* A second letter of March, 1432 (*Mansi XXIX. p. 415*, and *XXX. p. 99*), assures the Bohemians of a safe conduct, adding, what was humbling enough for the Council: *promptis et non fietis dabimus animis. The Salviusconductus accompanied the letter (*Mansi XXIX. p. 417*), and ambassadors were sent to Eger, to negotiate with the Bohemians (Theobald, Th. I. cap. 79), who, at the instance of these last, gave another Salviusconductus (*Mansi XXIX. p. 27*), in which not only the Bohemians were assured of safety, but also: in loco vel in locis hospitorum suorum divina officia sine impedimento nostrorum peragere permittimus. Further: in generali Concilio — articulos quatuor (see note 19) — oretenus aut in scriptis libere poterunt offerre, aut propalare, Scripturis sacris,*

some delay, in Jan. 1433, but the time was only consumed in ineffectual disputations.³⁰ After their return, however, an embassy was sent by the Council, and a compact concluded with the Calixtines in Prague, on the 30th Nov. 1433, by which the four articles were conceded to them, though with very important limitations.³¹ The

beatorumque doctorum verbis, sententiis et rationibus eos declarare, adstruere, persuadere, et, si opus fuerit, etiam ad objecta Concilii generalis respondere, aut cum aliquo vel aliquibus de Concilio super eisdem disputare, aut caritative — conferre, opprobrio, convicio aut contumelia procul motis.

³⁰ See the speeches of the Bohemian Theologians, of whom John Rokyczana was the most conspicuous, in *Martene ampliss. coll.* VIII. p. 262 seq., and Mansi XXX. p. 269 seq. The answers of the Catholics see in *H. Canisii lectt. ant. ed. Basnage IV.* p. 467 seq., and Mansi XXIX. p. 699 seq.

³¹ The Acts relating to the preceding negotiations see in *Martene ampl. coll. VIII.* p. 596 seq., and thence in Mansi XXX. p. 590, 634, 668. The compact itself, which was made between the legates of the Council and the plenipotentiaries of the generalis Congregatio Regni Bohemiae et Marchionatus Moraviae, in *Coelesti hist. Hussitarum*, lib. VII. p. 271, and in *Leibnitii Mantissa cod. jur. gent. II.* p. 138. It first establishes peace and concord, and annuls all the ecclesiastical censures, providing, quod nemo deinceps dictum Regnum et Marchionatum propter præterita infamare præsumat. It then treats of the four articles (see note 19). The first article of the Bohemians runs: *Quod communio divinissimæ Eucharistiae utilis et salubris sub utraque specie, scil. panis et vini, universis Christifidelibus in Regno Bohemiae, et Marchionatu Moraviae, et locis eis in hac parte adhaerentium constitutis per sacerdotes libere ministretur.* This article was approved by the legates with the further provisions: Articulus ille in sacro Concilio discutietur, quoad materiam de præcepto ad plenum, et videbitur, quid circa illum articulum pro veritate catholica sit tenendum, et agendum pro utilitate et salute populi Christiani. At any rate the priests in Bohemia and Moravia shall be allowed to admit to the Communion sub utraque specie eas personas, quæ in annis discretionis constitute reverenter et devote postulaverint. — Hoc semper observato, *quod sacerdotes sic communicantibus semper dicant, quod ipsi debeant firmiter credere, quod — sub qualibet specie est integer et totus Christus.* Ac Legati sacri Concilii — mandabunt universis et singulis, — ut dictis Bohemis et Moravis, utentibus dicta communione sub duplice specie, nemo audeat impropereare, aut eorum famæ aut honori detrahere. Et hoc idem faciet sacrum Concilium. The second article of the Bohemians was: *Omnia peccata mortalia, et præsertim publica, per eos quorum interest rationabiliter et secundum legem Dei cohiberantur, corrigantur et eliminantur.* This expression *per eos quorum interest* the legates thought too general, and therefore drew up the article thus: *Omnia peccata mortalia, præsertim publica, quantum rationabiliter fieri potest, secundum legem Dei et sanctorum Patrum instituta, sunt cohibenda, corripienda et eliminanda.* Potestas autem puniendi criminosa non ad privatas personas, sed ad eos tantummodo pertinet, qui jurisdictionem habent in eos fori, distinctione juris et justitiæ ordine observatis. In the third article of the Bohemians: *Quod verbum Dei a sacerdotibus Domini et Levitis idoneis libere ac fideliter prædicetur,* the libere was objectionable, and the following change was made: *Quod verbum Dei a sacerdotibus Domini et Levitis ad hoc idoneis, et per superiores (ad quos pertinet) approbatis et missis, libere, non tamen passim, sed ordinate et fideliter prædicetur, salva auctoritate Pontificis, qui est præordinator in cunctis, juxta sanctorum Patrum instituta.* The fourth article: *Non licet Clero tempore legis gratiae super bonis temporalibus seculariter domiuari,* was admitted with the following limitations, 1. *quod Clerici non religiosi licite possunt habere et possidere quæcunque bona temporalia,* and 2. *quod Ecclesia potest licite habere et possidere bona temporalia, — et in eis habere privatum et civile dominium,* with the condition, *quod ecclesiastici viri bona Ecclesie debent fideliter administrare, ipsaque bona Ecclesie ab aliis non debent detineri vel occupari.* In case of any abuses which may creep in relating to the three last articles, the Congregatio generalis, as well as individuals, shall have the power of applying to the Council. This compact was confirmed by

Taborites, who were highly dissatisfied with this arrangement, were wholly defeated by the Calixtines near Boehmischbrod, on the 30th May, 1434,³² and so weakened that they were compelled to submit. The triumphant Calixtines acknowledged Sigismund as king, the compact having first been solemnly confirmed at Iglau, A. D. 1436.³³

the Council in the Intentio sacri Concilii super IV. articulis, quam ipsi Bohemi anno Dom. 1433. d. 7 Dec. observare manuum stipulatione promiserunt in Mansi XXX. p. 692, which for the most part repeats those conditions word for word, and, only in the article on the Lord's Supper, contains a long defence of the Communion sub una specie.

³² Contemporary accounts of this victory in Mansi XXIX. p. 638 seq.; p. 647 seq. Compare *Æneas Sylvius* hist. Bohem. c. 51. Theobald, Th. I. cap. 82. S. 307.

³³ The Bohemians were well aware that the compact needed still further security; they demanded therefore of the emperor, in an assembly at Brünn, 1435 (see *Responsio Coneilii Bas. facta Ambasitoribus Imp. in Mansi XXIX. p. 413*), quod sua Serenitas personaliter cum eis in perceptione communionis sub utraque specie conveniret, ac Cappellanos haberet, qui sic populo ministrarent; et quod nullus esset in consilio ejusdem et negotiis dicti regni, qui sic non communicaret; et quod religiosi monachi et moniales sine consensu Archiepiscopi et Domini communis loci non admittantur; et quod ipsi habeant sibi eligere Archiepiscopum; demands, with which the Council were of course by no means pleased. Still Sigismund promised, in a patent dd. Albae Regali, 6 Jan. 1436 (in *Leibnitii Mantissa*, II. p. 141): 1. Beneficia non conferantur per extraneos in Regno Bohemiae ac Marchionatu. 2. Personae etiam saeculares et spirituales extra Regnum vel Marchionatum nec citabuntur, nec judicabuntur. 3. Communicantes sub una specie in sape tactis Regno et Marchionatu, ne confusa sequatur permixtio, contra proprias illorum voluntates et libertates non sustinebunt, sed duntaxat in locis, in quibus communio duplicitis speciei temporibus retroactis non servabatur, sustinebuntur. 4. Et ut materia occasioque litium auferatur, loca omnia et singula Ecclesiarum — signabuntur, in quibus — communio duplicitis speciei in praxi servabatur, ut in futurum perpetuo in eisdem servaretur. 5. Sed et hoc volumus ut per Dominos Bohemos, — Pragam et civitates alias una cum Clero, Archiepiscopus Pragensis una cum aliis Episcopis titularibus elegantur, qui alias dicuntur Suffraganei. Qui quidem electi per nostram dispositionem debitam — confirmabuntur, et in Episcopos consecrabuntur absque quavis pro confirmatione, Pallii exhibitione, aut etiam Notarii persolutione. 6. Scholares Diœcesis Pragensis utrique, tam sub una quam sub utraque communicantes specie, habilitate et idoneitate ipsorum præsupposita, ad sacros ordines promoveantur et ordinentur. He promises to hold to this in verbo Cæsareo, and at the same time to exert himself to the utmost with the Pope and the Council, ut præfati articuli suum effectum realiter sortiantur. *Æneas Sylvius* hist. Bohem. c. 52, mentions several other treaties with the emperor: Ceterum inter Bohemos et Imperatorem aliæ pactiones (besides the Compact at Prague) intervenere, quibus Ecclesiarum prædia occupatoribus jure pignorum relicta sunt, donec certa pecunia refurerentur. Religiosis utriusque sexus, quibus adempta Monasteria essent, exilibus quoque spes redditus interdicta; Rokyzanæ Pragensis Ecclesia præsulatus promissus, de disponendo Ecclesiarum Boemicarum régimine summo Pontifici facultas ablata. The ordinance concerning the estates of the church, here referred to, is mentioned also by an anonymous contemporary writer in *Cochlaeus*, lib. VIII. p. 300, from whose account it seems too that the emperor had issued several ordinances relating to these grants. The Couneil and its legates do not refer to the subject. At the instance of the Bohemians the legates accompanied the compacts with various illustrations to prevent any obscurity, see *Leibnitii Mantissa*, II. p. 146, 148, and finally, dd. Iglaviæ, 5 July, 1436, an Executoria super Compactatis (*Cochlaeus*, p. 289. *Leibnit. II.* p. 150). On the same day the Bohemian ambassadors accepted the compact, and solemnly swore obedience to the Council, which is triumphantly communicated by the legate in Mansi XXIX. p. 612. In August Sigismund entered Prague. With regard to giving the cup to the laity the Council of Basil passed a decree, Sess.

§ 151.

HISTORY OF THE HUSSITES TO THE END OF THIS PERIOD.

As this compact was looked upon by each party only as preparing the way for the further progress of its peculiar doctrines and usages, it was not to be expected that it should prove the basis of lasting peace. Whilst the Calixtines, on the one hand, were vainly attempting to obtain new concessions from the Council,¹ Sigismund did not even adhere to what he had already granted, but, as far as was possible, restored the old customs in the church, and compelled the leader of the Calixtines, John Rokyczana, whom he had himself confirmed as Archbishop of Prague,² to seek his safety in flight.³ Thus at Sigis-

XXX. d. X. Cal. Jan. 1437 (Mansi XXIX. p. 158) to the effect, quod fideles Laici sive Clerici communicantes, et non confidentes, non adstringuntur ex præcepto Domini ad suscipiendum sub utraque specie — sacram Eucharistiae Sacramentum. Sed Ecclesia — ordinare habet, quomodo ipsis non confidentibus ministretur, prout pro reverentia ipsius Sacramenti et salute fidelium viderit expedire. — Landabilis quoque consuetudo communicandi laicum cum populum sub una specie — pro lege habenda est, nec licitum est eam reprobare, aut sine auctoritate Ecclesiæ ipsam immutare.

¹ *Cochlæi hist. Hussitarum*, lib. VIII. p. 310. The Bohemian ambassadors demanded, I. quatenus pro tollendis litibus, jurgiis et dissensionibus in populo nostro ex diversitate communionis indubitanter — sequentibus — dignemini — Regno — nostro — dare — uniformem — sub utraque specie sacrae Eucharistiae communionem. In justification of this they appealed to the passage at the close of the compact: et omnia alia fient, quæ pro observatione dictæ pacis et unitatis necessaria fuerint et opportuna. II. quatenus — providere dignaretur sacram Concilium Bohemis de bono et legitimo pastore Archiepiscopo et aliis Episcopis. The Synod acknowledged the reasonableness of this demand, but decidedly rejected the Archbishop proposed, Rokyczana: de quo non est rationabile, ut ad illam dignitatem promoveatur, cum ad impediendum, perturbandum et disrumpendum pacem et unitatem post firmata Compactata fuerit multipliciter machinatus, etc. So too, III. the request for liberty communicating parvulos sacra Eucharistia was refused, and IV. the request of the Bohemians, permitti suis, ad minus Evangelia, Epistolas et Symbolum in vulgari lingua in Missis et Ecclesiis coram populo ad excitandam devotionem libertari, legi et decantari, on the ground that it was against the compact and the promise of the Bohemians, se conformare ritibus Ecclesiæ. The V. request, however, for a reformatio et sue Universitatis Pragensis et totius Ecclesiæ in capite et in membris was more favorably received.

² The document dd. Iglaū, 23 Jul. 1436, in Theobald, Th. 1. Cap. 85. S. 219. *J. D. Koeler de Joanne Rokyczana*, famoso Calixtinorum in Bohemia Pontifice diss. Altorfii, 1718. 4to.

³ *Æneæ Sylv. hist. Bohem.* c. 52: Philibertus Episcopus Constantiensis, natione Gallicus, et collegæ sui ex Basilea missi ecclesiasticos introducere ritus, sacerdotes instituere, ex Missarum solemnibus vulgaria verba, cantilenasque detrahere, sancctorum imagines reducere, aquam benedictam in ædibus sacris reponere, baptismatis fontes sacrare, altaria ornare, spureitias omnes abolere. Paruere complurimi, quibus mens senior fuit. Rochezana complices resistere, obloqui, blasphemare, plebem modis omnibus avertere. Ipse quoque inventor malorum ex parochia s. Mariæ ante Lætanam Curiam, quam propria temeritate invaserat, amoveri minime potuit: neque laniare sermonibus suis inter prædicandum Romanam Ecclesiam prætermisit, legatisque sæpe necem per insidias machinatus est. Sigismundus autem quum Ecclesiæ pollutas intrare nollet, templum s. Jacobi, quod Fratrum Minorum fuerat, et in quo machinæ bellicæ tum servabantur, restitui sibi poposcit:

mund's death (Dec. 1437), the parties were again in a state of violent excitement. The emperor Albrecht, chosen by the Catholics, was refused by the Calixtines; but after his death (Oct. 1439) a compromise was made, by which the kingdom was to be governed during the minority of his son Ladislaus, by two governors, one Catholic and the other Calixtine (1441). In 1444 George Podiebrad became the Calixtine governor, and in 1450 sole regent, and the Calixtines had decidedly the advantage. Nevertheless all their efforts were ineffectual to procure the extension of the compact, which was not even allowed on the other side in its present extent.⁴ The Calixtines were already

annuit civitas, et aliqui monachi introducti sunt, qui verbum Dei prædicarent. — Redierunt et alii, Mendicantes, tum Cœlestini, Slavi, servi s. Mariæ, Teutones, Hierosolymitani, et nonnullorum Monasteriorum Abbates. — Restituti sunt et cathedralis Ecclesiae Canonici, ac Vicarii et Mansionarii, ornamenta altaribus reddita, divinum officium instauratum. — Cumque nulli essent Ecclesiæ reditus, — jussit Imperator, ex fisco regio per singula Canonicorum capita hebdomatim aureum nummum distribui, minoribus Clericis dimidium dari. — In alia quoque templo donaria collata. Nova jam facies urbis, novus populus, verus rediisse religionis cultus apparebat. Quibus ex rebus liquet, Imperatorem, quæ fœdera cum hæreticis percussit, necessitate magis admisisse, quam voluntate; voluisse illum paternam hæreditatem quoquo modo intrare, sensimque regni possessione accepta more majorum, subter veram Christi religionem provinciam reducere. — Rochezanam hortari Romanæ Ecclesiæ se subjiceret; sic posse pontificatum sibi committi; superbienti, et aliena de fide sapienti ascensum desperandum esse, qui vel consecratus Episcopus ejici deberet. Ille mente superba, et opinione sua inflatus, dietim pejor, dietim venenosior effici, Monachorum redditum ægerrime ferre, quorum sermones non minus quam suos acceptum iri verebatur. Ob quam rem occurrente inter prædicandum sermone de monachis, venerunt, inquit, novi dietim ad nos Dæmones, quos monachos vocant. His studium est ejicere nos de veritate: at si viri fuerimus, prius sanguinem effuderimus. Id Sigismundus ubi accepit, imo nos, inquit, Rochezanæ sanguinem non inviti ante aras libabimus. Non latuit Rochezanam Sigismundi sermo: qui ex amicis commonitus clam aufugit.

⁴ New articles were added at Prague, June 11, 1441 (*Cochlæus*, lib. IX. p. 335): I. ut Compactata cum Ecclesia sancta ab omnibus efficaciter teneantur; III. ut nullus audeat prædicare, quod tantum sumitur sub una specie, quantum sub utraque, cum hoc sit contra communicantes sub utraque specie; IV. ut nullus audeat porrigere sub una specie publice vel occulte. After this a great assembly was held in Kuttenburg, Oct. 4, 1441. They here promised obedience to Rokyczana as Archbishop, and drew up a confession of faith in 22 articles, see Theobald, Th. 2. Cap. 11. S. 86. In this 7 sacraments are allowed, and the doctrine of transubstantiation admitted. On the other hand, Art. XVI., the communion shall not be taken in one form only, and it shall not be considered contrary to a Christian faith to administer it to children, provided that it is at the desire of their parents. Art. XXI: as priests are men, they are not forbidden in the word of God to marry, though it would be better, according to St. Paul's advice, to live unmarried. — In A. D. 1444, the Cardinal-legate, Carjaval, was in Prague, with whom Rokyczana had a violent dispute concerning the Supper (Theobald, Th. 2. Cap. 15. S. 142). In the mean time the Bohemians used every exertion to procure from Eugenius IV. and Nicholas V. the confirmation of Rokyczana as Archbishop, and in 1447, having sent an embassy for the purpose to Rome (Theobald, Cap. 16. S. 150), Carjaval appeared once more in Prague (Theobald, Cap. 17. S. 157). The Bohemians, in a letter, in which they recounted all that had passed up to the present time, prayed him (*Cochlæus*, lib. X. p. 349 seq.), ut quæ pro honore et utilitate hujs regni inclyti et nostris juxta Compactatorum tenorem facienda sunt, finem debitum effectualiter sortiantur; Magistrum quoque Joannem de Rokyczana — dignetur Paternitas vestra Rev. in Archiepiscopum Pragensem ad nostrum et totius regni singulare solarium consecrare. Carjaval evaded the request, and demanded restitution of the church property (l. c. 535). In A. D. 1451, Æneas

meditating a union with the Greek church,⁵ when the fall of Constantinople put an end to their negotiations. After the short reign of the young king Ladislaus, who proved a zealous Catholic (1453 — 1457),⁶ George Podiebrad was advanced to the throne. To conciliate his opponents, George caused himself to be crowned by Catholic bishops, and swore obedience to the church and the Pope.⁷ In so doing, however, he counted on the strict observance of the compact, which in the excited state of the parties was not possible. The

Sylvius was in Bohemia as the emperor's ambassador, and had a conference with George Podiebrad, which he recounts in the *Epist. ad Jo. de Carjaval Card.* (*Æneæ Sylv.* epist. 130). George complained that the compact had not been regarded on the side of the Catholics: *si qui ex nostris apud vos moriuntur, cum asinis sepulturam accipiunt.* Æneas replied: *Cur violari fedus conquerimini, quod priores rupistis?* *Neque enim sufficit vobis sub duplice specie communicare, nisi et sub una sola communicantes damnetis.* — *Vobis indulta est sub utraque specie communicatio, jussi tamen sacerdotes vestri sunt, — communere — omnes, — sub qualibet totum — esse Christum: nihil faciunt.* Prohibiti sunt infantibus atque dementibus eucharistianam porrigitur: porrigitur tamen. Neminem communicare sub duplice specie debent [*compellere*]: compellunt, sepulturam negantes, ni communicent. — Debent universalis Ecclesiæ ritum tenere: postponunt, divinis officiis vulgaris carminis commiscentes. — Cum ergo abutamini privilegio, — prævaricantes mandata Concilii, hanc jure Legatum (Cardinal Carjaval) accusatis, compactata firnare nolentem: quia privilegium amisistis male utentes. Æneas pointed out three subjects of controversy: *Mihi tribus ex rebus concordia pendere videtur, ex Compactatis, ex bonis ecclesiasticis quæ occupantur, ex Archiepiscopi constitutione, quæ nec parva sunt, nec leviter componenda.* Nam compactata, postquam violata sunt, rursus innovare magnum est: *qui bona Ecclesiarum occupant, invite restituent: in Archiepiscopo vos ipsi vim facitis.* qui Rochezanam petitis neque alium vultis, quem, nisi me fallat opinio, nunquam sedes Apostolica ad id fastigii promovebit. Soon afterwards, A. D. 1451, the celebrated Franciscan, Jo. de Capistrano, was appointed by Nicholas V. to preach against the Bohemians, with full powers (*Cochlaeus*, l. X. p. 368), to absolve on their repentance omnes personas, quæ sub utraque specie communicarunt, ac alias erroribus, hæresi et superstitione involuti a ritu et unitate s. Rom. Ecclesiæ recesserunt.

⁵ See the letter of the church in Constantinople to the Bohemians, A. D. 1451, appended to *D. Chytræi oratio de statu Ecclesiarum in Græcia, Asia, Bohemia, etc.* Francof. 1583. 8vo., in *Flacii Cat. test. verit. ed.* Francof. 1666. p. 728, and in *Freheri Scriptt. Bohem.* p. 235.

⁶ Before they would pay him homage, the Bohemians extorted from him the renewal of the promises made by Sigismund (§ 150, note 33), see Theobald, Th. 2. Cap. 20. Still he did not conceal his dislike of the Utraquists (Theobald, S. 193 ff. *Cochlaeus*, lib. XI. p. 391 seq.).

⁷ *Cochlaeus*, lib. XI. p. 411. Theobald, Th. 3. Cap. 5. S. 25. The oath in Latin in *Steph. Kaprinai Hungaria diplomatica temp. Matthiæ Regis P. II.* (Vindobon. 1771. 4to., p. 163, and in contemporary German translations *ibid.* p. 529, and in Eschenloer's *Gesch. d. Stadt Breslau.* Bd. 1. S. 59: *Ego — promitto, — atque juro, — quod abhinc, et in antea, et deinceps fidelis et obediens ero sacrosanctæ Romanæ et catholicae Ecclesiæ, ac sanctissimo Domino nostro — Calisto — P. III., ejusque successoribus canonice intrantibus, et iis obedientiam et conformitatem more aliorum catholicorum — Regum in unitate orthodoxæ fidei, quam ipsa s. Romana — Ecclesia — tenet, fideliter observabo, ipsamque catholicam — fidem protegere — volo toto posse, populumque mihi subjectum secundum prudentiam a Deo datam ab omnibus erroribus, sectis et hæresibus, et ab aliis articulis s. Romane Ecclesiæ et tidei catholicae contrariis revocare, et ad vere — fidei observationem, ac obedientiam, conformitatem, et unionem, ac ritum cultumque s. Romane Ecclesiæ reducere et restituere volo.* There is nothing in the German translation answering to the words *ac ritum*, which are perhaps therefore an interpolation.

Catholics looked on the Calixtines as heretics, whom the king was by his oath bound to exterminate. The Calixtines, on the other hand, would not abandon the hope of driving their opponents entirely out of Bohemia.⁸ Pius II., at first held back by other considerations,⁹ at length declared the compact null in A. D. 1462.¹⁰ George strove in vain by the most scrupulous observance of its terms to keep the Catholics on his side.¹¹ Finally, Paul II. proceeded to excommuni-

⁸ The most obstinate resistance to the new king was made by the city of Breslau. The transactions are recounted at length in a history of Breslau, written by the then clerk of the city, Peter Eschenloer, *Gesch. der Stadt Breslau v. 1440 — 1479 herausgeg. von Kunisch.* 2 Bde. Breslau, 1827 and 28. 8vo.

⁹ Pius wanted George's assistance in the war against the Turks, and invited him to join the assemblage at Mantua, *Cochlaeus*, lib. XII. p. 416.

¹⁰ See *Relatio hist. Anonymi synchroni complectens res alias Hungaricas, potissimum vero Bohemicas ab anno 1458 ad ann. 1469*, in *Steph. Kaprinae Hungaria diplomatica temporibus Matthiae Regis. P. II. (Vindob. 1771. 4to.)* p. 577 seq. In 1462 George sent ambassadors to Rome to take the oath of obedience to the Pope, and at the same time receive the confirmation of the compact. Pius, however, answered (I. c. p. 580 seq.): *Quæ vos Compactata vocatis, Oratores insignes, Apostolica Sedes neque novit unquam neque accepit. — Non consuevit hæc sancta Sedes — in his, quæ articulos fidei concernunt, pacta facere; sed catholicam fidem — omnibus libere prædicare. — De his, quæ vos Compactata vocatis, nulla Basilienses (esto, quod Basileæ aliquando, et tunc presertim, generale Concilium fuisset) litteræ unquam apparuerunt, sed nec hodie apparent: soli Compactatarum amatores copiam quandam, seu ut ipsi dicunt transsuntum quoddam cuiusdam, qui se Constantiensem Episcopum nominat, ostendere possunt, quod quantam in tam gravi re fidem faciat, quantum illi credendum sit, etiam nobis tacentibus quilibet intelligit.* But even if the compact was admitted, the Bohemians themselves had not kept it. *Animadvertisite, communionem sub utraque specie his Bohemis demum concedi, qui in aliis omnibus sese Romana Ecclesiæ conformaverint. — At — notum est, Bohemos hactenus in nullo Sedem Apostolicam recognovisse, quinimo ab illius obedientia semper declinasse, illius mandata sprevisse, novos ritus, novas haereses introduxisse. — Sed et illud notorium est, neque vos negabitis, ino in hoc sacro Consistorio publice asseruistis, in Bohemia ab omnibus, qui Compactata colunt, hoc palam prædicari, communionem sub utraque specie de necessitate salutis esse, qua de re vos ea tanquam talia a nobis et Apostolica Sede confirmari petitis: cum tamen in Compactatis dicatur, articulum de necessitate salutis in Concilio discutendum esse: qui et ibidem discussus est, decretum quoque est, de necessitate salutis non esse sub dupli specie communicari (see § 150, note 33).* The Bohemian priests do not teach according to the compact, sub qualibet specie totum Christum contineri, but on the contrary, communionem utriusque speciei de necessitate salutis esse. Another article in the compact was, Concilium concessurum communionem utriusque speciei, si Bohemi in desiderio sic communicandi perseveraverint, et hoc eorum ambasiatores indicaverint Concilio: *Ruunt itaque ex omni parte Compactata vestra, quæ neque vos servastis unquam, neque, etiamsi servata fuissent, communicandi sub utraque specie Bohemis licentiam præstant, præsertim his, pro quibus nunc illud petitis, qui tunc, tempore Compactatorum, aut nati non fuerunt, aut saltem talem usum communicandi minime habere potuerunt.* cf. *Pii II. commentarii a Jo. Gobelino compositi, lib. VII. p. 188.* The German translation of this answer of the Pope differs very much in the form, though essentially the same, see Eschenloer, Bd. I. S. 181. George immediately called together the States, and complained of the course pursued by the Pope (*Cochlaeus*, lib. XII. p. 427): *Miratur quod Papa facit. Fortassis iterum hoc regnum, quod vix per Compactata unitum est, et ad tranquillum statum pervenit, disjungere vult.* In answer to the charge, that he had not been true to his oath, he read in their presence: *juravimus hæreticam pravitatem velle abjecere, et omnes hæreses de Regno nostro delere. — Sed quod Papa velit communionem et nostra Compactata hæresim facere, nunquam fuit de intentione nostra.*

cate and depose him in Dec. 1465,¹² summoning all good Catholics to a crusade against him.¹³ But George's preparations for war¹⁴ made more impression than the Pope's censures; even the German universities condemned the proposed crusade,¹⁵ and it was therefore very feebly prosecuted. In the mean time king Matthias of Hungary accepted from the Pope the gift of Bohemia, and established himself in Silesia, Moravia, and Lusatia. In Bohemia proper, George still maintained himself, and after his death (1471) the Polish prince Wladislaus, was chosen to succeed him; whom both Matthias and the Pope strove in vain to drive out,¹⁶ till in 1490 he succeeded Matthias in Hungary. Though Wladislaus was himself Catholic, and at first allowed himself to be influenced by the Catholics, the Calixtines were so powerful, that the compact was still strictly observed.¹⁷ Wladislaus died 1516.

During Sigismund's reign the Taborites, though much weakened, were left undisturbed.¹⁸ After this Rokyczana made some ineffectual

¹¹ Even *Cochlaeus*, lib. XII. p. 411, testifies of him : quod stirpi deerat, industria supplevit, qua sibi Rex tantam comparavit auctoritatem et gratiam, ut, si una defuissebat labes Hussiticae sectæ, — inter optimos Reges haud immerito comminorari posset. Quis enim fuit eo vel in consiliis circumspectior, vel in armis expeditior, vel in judiciis æquior, vel in regia potestate moderator? Quamvis enim Hussitum sectæ adhaereret, Catholicos tamen Imperio suo subjectos a sacris et ritibus Ecclesiæ non arcuit, neque in sectam suam coëgit. Compare p. 438 seq.

¹² The bull dd. 1465. VI. Idus Dec. which is wanting even in *Raynald*, is given in Eschenloer, Bd. I. S. 296. The first act of excommunication was in Dec. 1465, not 1466, see Mansi ad Rayn. 1466, no. 27. See also Eschenloer, Bd. I. S. 321. — These decrees are repeated in the Bulls of 23 Dec. 1466, see Eschenloer, Bd. I. S. 350, dd. VII. Kal. Apr. 1467, *Raynald*, ad h. a. no. 1.

¹³ *Raynald*, ann. 1467, no. 8. 1468, no. 4. Theobald, Th. 3. Cap. 16. S. 94.

¹⁴ George's letter of complaints addressed to all kings and princes on the 28 July, 1466, see in Eschenloer, Bd. I. S. 316. His appeal to the General Council, drawn up by Gregory of Heimburg (see § 132, note 29), dated Apr. 14, 1467, in Eschenloer, Bd. 2. S. 12 seq. There also appeared in print a *Christian* complaint of the Pope's unchristian conduct in Bohemian, German, and Latin, Theobald, Th. 3. Cap. 16. S. 93.

¹⁵ Eschenloer, Bd. 2. S. 16.

¹⁶ Sixtus IV. declared all oaths taken to Wladislaus to be null and void, and Matthias to be the lawful king of Bohemia, *Raynald*, 1472. In 1478 a treaty was concluded (which see in Eschenloer, Bd. 2. S. 388), according to which Bohemia was secured to Wladislaus; Moravia, Silesia, and Lusatia given to Matthias.

¹⁷ Treaties with the Utraquists from 1480, in Theobald, Th. 3. Cap. 25. S. 137. By that of Kuttenberg, 1485, the compact was renewed, Theobald, Th. 3. Cap. 27. S. 149.

¹⁸ *Cochlaeus*, lib. VIII. p. 280: Quamvis exciso corum exercitu — in armis non ita confidenter, ut prius, Taboritæ : aliis tamen rationibus pertinaciam suam tueri quærebant. Habebant sane oppidum Tabor in excelsa rupe munitissimum, habebant multas Communitates sibi adhaerentes, habebant sacerdotes argutos et in sacris literis exercitatos, etc. *Euseb. Sylv. hist. Boheim.* c. 52: Taboritæ, qui superioribus cladibus superfuerant in oppido conservati, ea lege in gratiam recepti, ut quinquennio toto suis moribus viverent, religionis cultum mutare non cogerentur, jura civitatis haberent. Afterwards Sigismund said, quinquennium baud expectaturum se correpturum propediem sceleratæ civitatis insaniam : but in this he was prevented by death.

attempts to unite them with the Calixtines.¹⁹ In A. D. 1451, *Aeneas Sylvius* found them still distinguished by their old peculiarities.²⁰

¹⁹ A conference was held in Kuttenberg on 4th July, 1443, between Rokyczana, on the part of the Calixtines, and Nich. Biskupez, on the part of the Taborites, see Theobald, Th. 2. Cap. 14. S. 123. The Taborites gave a statement of their creed in 15 articles, in which they dwelt, first of all, on the paramount importance of the Scriptures, and the reading of them in the mother tongue; the most important doctrine they maintained to be that of justification by faith, which they made the indispensable condition of admittance to the church; they acknowledged two sacraments, baptism and the communion, and rejected pictures and the doctrine of purgatory. Art. XII: They rejected mass and the adoration of the elements, which they supposed to be simple bread and wine. In the conference the chief subjects of dispute were, transubstantiation and the communion of children, both of which the Taborites rejected. A second conference in Prague, 1444 (Theobald, Th. 2. Cap. 15. S. 131), was as little successful as the first. Compare Nic. Biskupez Schreiben an einen Aeltesten der taboritischen Gemeinde zu Muglitz in Mähren Theobald, l. c. See *Jo. Rokyczanae tract. de VII. Sacramentis* appended to *Cochlai hist. Hussitarum*, p. 442 seq., and the Taborite, *Jo. Lukawitz confessio Taboritarum contra Rokenzanam et Papistas Pragenses in Balth. Lydii Waldensia Roterod. 1616. 8vo. p. 1 seq.*

²⁰ *Aeneas* Ep. Senensis epist. ad Jo. de Carjaval Card. (*Aeneas Sylv. epist. 130*): Ex illis aliqui nudi erant solis tecti camisiis, alii pelliceas tunicas induerant. Alii sella carebant, alii freno, alii calcaribus. Alteri crus occreatum fuit, alteri nudum: huic oculus desuit, illi manus. — Incedendi nullus ordo, loquendi nulla modestia, barbaro et rusticano ritu nos exceperunt. Obtulerunt tamen xenia, pisces, vinum, cerevisiam. Sic oppidum ingressi, locum vidimus. Quem nisi hæreticorum arcem aut asylum vocem, nescio quo appellem nomine. Nam quæcumque deteguntur inter Christianos impietatis ac blasphemiarum monstra, hue confugint, tutam- tuncque habent, ubi tot sunt bæreses quot capita, et libertas est quæ velis credere. In the account of their doctrines which follows the statements here printed in Italics may be considered as incorrect (compare note 19): Romanam Ecclesiam nolunt habere primatum, aut proprii Clerum habere quiequam. Imagines Christi Sanctorumque delent. Ignem purgatorium inficiantur. Nihil Sanctorum preces jam cum Christo regnantium prodess mortalibus asseverant. Festum diem præter Dominicam et Pascalem non agunt, jejunia spernunt, horas canonicas abhiciunt. Eucharistiam sub specie panis et vini et parvulis et dementibus præbent. Con- ficientes nihil præter orationem dominicam et verba consecrationis dicunt, neque vestimenta mutant, neque ornatus assumunt aliquos: quidam vero eousque desi- piunt, ut non verum Christi corpus in sacramento altaris, sed representationem quandam esse contendant, errant Berengarii, non conversi, sequaces. Ex sacra- mentis Ecclesiæ baptismum, eucharistiam, matrimoniam, ordinemque recipiunt: de penitentia parum sentiunt, de confirmatione et extrema unctione nihil. Mon- chorum religionibus infestissimi sunt, inventionesque diabolicas asserunt esse. Baptisma simplicis undæ volunt. Nullam aquam benedicunt. Cimiteria non habent consecrata: cadavera mortuorum in campis, et ut digna sunt cum bestiis sepeliuntur: vanumque censem orare pro mortuis. Ecclesiæ consecrationes derident, et in omnibus locis passim conficiunt sacramentum. Nulla major his cura est quam sermonis audiendi. Si quis negligens est, domique torpet, aut negotio ludove vacat, dum sermo est, virgis caeditur, et intrare ut verbum Dei audiat compellitur. Est illis dominus quadam lignea similis horreo ruris: hanc templum appellant. Hic populo prædicant, hic legem per omnes dies exponunt, hic altare unicum habent, neque consecratum, neque consecrandum, ex quo sacramentum plebis exhibent. Sacerdotes neque coronas ferunt, neque barbas tondent: his Taboritæ frumento, cerevisia, lardo, leguminibus, lignis et omni suppellectili necessaria publice domum complent, et addunt in singula capita sin- gulis mensibus sexagenam (60 Groschen),* ex qua pisces, carnes recentes, et si velint vimum emant. — Fratres se invicem appellabant, et quod uni desuit, alter

* [A copper coin, value at present somewhat less than two cents. Tr.]

But after the reduction of Tabor by George Podiebrad, 1453,²¹ they disappear entirely. In the mean time, however, their purer and more spiritual doctrine had made some progress amongst the Calixtines themselves, and hence sprung up a new party in Prague, A. D. 1450,²² at first favored by Rokycana,²³ adopting the religious notions of the Taborites without their fanaticism and superstition. Their numbers were soon much increased, especially by the accession of

subministravit: nunc sibi quisque vivit, et alius quidem esurit, alius autem ebrius est. — Reversi ad ingenium avaritiae jam omnes student, et quia rapere ut olim nequeunt, — lueris inhiant mercaturae, sordidosque sequuntur questus. Sunt in civitates ad quatuor millia virorum, qui possent educere gladium: sed artifices facti lana ac tela ex magna parte victum querentes inutiles bello creduntur. *Æneas* was again in Tabor in the same year, and held there a disputation with several of the clergy, also with one Nicholas, whom they called *Episcopus*, which was attended by many of the citizens who were versed in the Latin tongue. Nam perfidum genus illud hominum hoc solum boni habet, quia litteras amat.

²¹ Theobald, Th. 2. Cap. 19. S. 180.

²² See *Jo. Lasitii* (a Polish nobleman who joined the brethren about A. D. 1580) de origine et rebus gestis fratrum Bohemorum libb. VIII. Lib. VIII. is printed, qui est de moribus et institutis eorum. Adduntur tamen reliquorum VII. librorum argumenta et particularia quædam excerpta, ed. *Jo. Amos*, Comenius, 1649. 8vo., new edition, Amst. 1660. 8vo. The work is still extant in Ms.; one copy was in Baumgarten's possession, see his Nachrichten von merkw. Büchern Bd. 6. S. 139. *Joach. Camerarii* historica narratio de fratrum orthodoxorum Ecclesiis in Bohemia, Moravia, et Polonia (written about 1570), nunc primum ed. Ludovicus Camerarius, Heidelberg. (1605). 8vo. Systema historicoo-chronologicum Ecclesiarum Slavonicarum per provincias varias — distinctarum libb. IV. opera Adriani Regenvolseii (i. e. Andreæ Wengerscii). Traj. ad Rhen. 1652 and 1679. 4to. *Jo. Amos Comenii* (Bishop of the Brethren in Poland, † 1671 in Amsterdam) hist. fratrum Bohemorum, eorum ordo et disciplina ecclesiastica. Amstelod. 1660. 8vo. cum præf. *Jo. F. Buddei*. Halæ, 1702. 4to. D. Joh. Gottlob Carpzous, Superintendent in Lübeck, Religionsuntersuchung der böhm. u. mährischen Brüder, von Anbeginn ihrer Gemeinen bis auf gegenwärtige Zeiten. Leipzig 1472. 8vo. G. W. K. Lochner's Entstehung und erste Schicksale der Brüdergemeinde in Böhmen und Wählen, und Leben des Georg Israel, ersten Aeltesten der Brüdergemeinde in Grosspolen. Nürnberg, 1832. 8vo.

²³ They were in fact set on by him at the time of his quarrel with the Pope, and his nephew Gregory was one of their first leaders (*Comenius* ed. Budd. p. 14), see Prima epist. Fratrum ad *Jo. Rokyzanum* in *Camerarius*, p. 61: Gratissimæ nobis, valdeque jucundæ tuæ fuerunt conciones. Primum enim sedulo nos hortabarisi ad vitandum et fugiendum horribiles errores Antichristi, his jam postremis temporibus reiecti. — Præterea testabarisi, Diabolum omnium Sacramentorum abusum introduxisse, miserum vulgus falsam salutis spem in iis reposuisse. Monstrabas denique, quonodo pii et veri Christiani sacramenta — percipere debeant. — Et breviter tristissimum esse dicebas et miserum religionis statum, præsertim eo anno, cum Rex adolescens rerum potiretur (Ladislaus, 1453). Nos vero his auditis magno affieiebanur dolore. — Insuper cum videremus multa et varia dogmata spargi, — perturbati erant animi nostri, — ita ut nesciremus, utrum his vel illis assentiri deberemus. — Commendabas nobis Petrum Chelezitum, quicum nos tandem collocuti sumus, ipsiusque scripta legimus, ac plurima demum tum inter populum, male et extra ordinem fieri, facile perspeximus; ita ut etiam de te spem minime bonam conceperimus, cum videremus, te sequi ea, quæ tua ipsius conscientia vitanda et fugienda esse judicarat. Cumque de his tecum colloqueremur, tu hæc ad nos, *Scio, inquisti, vos vera sentire: sed si mihi suscipienda est causa vestri, eadem perférām convitia, in idem incurram dedecus, parique ignominia officiar necesse est.* — Coacti sumus edere confessionem fidei nostræ: ubi exposuimus, quid sentiremus de sacramento cœnæ Domini (nam de hoc potissimum capite sententiam nostram sciscitabaris). — Nihil erat, cuius nos argueres, præter quod ritus quosdam seu ceremonias ecclesiasticas permittaverimus.

many of the Taborites,²⁴ and having made much progress also in Moravia,²⁵ they at length separated themselves entirely from the church (1457) under the name of “*Brethren of the law of Christ, Brethren, United Brethren.*”²⁶ After George Podiebrad’s accession to the throne, when he, in conjunction with Rokyczana as Archbishop, was using every effort to obtain from the Pope the recognition of his claims, they thought it necessary to show their orthodoxy, by persecuting the Brethren. At first Rokyczana prevailed on the king to give them for their residence the remote district of Liticz near Leutomischl, in the Giant mountains (1461); but the new sect continuing to spread, instead of falling into obscurity, a severe persecution was commenced, which compelled them to conceal themselves in deserts and caves through the remainder of the reign.²⁷ In the midst of these persecutions, however, they completed their forms of government, choosing their first *elders* at a solemn assembly in Lhota, A. D. 1467.²⁸ Under Wladislaus’ administration they enjoyed more quiet,

²⁴ Esrom Rüdiger, Jo. Camerarius’ son-in-law, Professor in Wittenberg, who afterwards joined the brethren, and became a teacher in the Gymnasium at Evanzig in Moravia, says in his *Narratiuncula de fratribus orthodoxorum in Bohemia et Moravia Ecclesiolis*, written 1579; see *Camerarius*, p. 159: *Hoc tantum monebimus, Taboritarum seu Taborensium nequam pudere nostros debere (quod aliquibus tamen accidisse jam olim, et nunc etiam accidere videtur), quos in majoribus sui habeant atque recenseant.* — *Horum stirps sunt nostrae Ecclesiae, quicquid dieant aut comminiscantur aliqui.* — *Et qui postea Fratres, et tum Taborite nominati sunt, — in iis sine dubio Taboritarum superstitione fuit aliquid, et multum quidem: qui tamen Fratres non doctrinæ, sed studi certi professione a Taboritis se discriminare voluerunt.* Territi enim clade et pene interneccione Taboritarum, et nomen hoc aversati sunt, et armis pro se et suis propugnare amplius noluerunt (*quod tamen etiam tum non potuisse videntur*), neque cum adversariis Pontificiis et Calixtinis disputando aut scribendo conflictari ipsi libnit, sed tantum veritatem ad suos docere et sectari, et expectare atque ferre extrema etiam omnia.

²⁵ The beginning of this community in this country was in Cremza, or Cromerzig. They were compelled by persecution to flee into Bohemia, see Lochner, S. 25.

²⁶ Prima Epist. Fratrum ad Rokyzanam, in *Camerarius*, p. 64: *Ne existimes, quod propter ceremonias alias, vel ritus ab hominibus institutos se junxerimus nos a vobis, sed propter malam et corruptam doctrinam.* Si enim potuisse mus veram illam fidem in J. Chr. dominum nostrum apud vos conservare, nunquam profecto secessionem hanc fecissemus. Sed cum videremus, tum vos ministros, tum populum his flagitiis et sceleribus contaminari, neque puram a vobis et integrum usurpari religionem; coacti sumus salutis nostræ causa a coetu vestro discedere, ne vel tanta sclera et facinora vobiscum perpetrantes, vel saltem in iis conniventes, æternas tandem penas una vobiscum sustineremus. — Nos sine intermissione his temporibus turpissime a sacrificiis infamamur, qui negant nos habere veram fidem de sacramento corporis Christi, et hac ratione inagnum acerbumque imperitæ multitudinis odium in nos concitant. Sed scias tu, et universi, nos ita credere, quemadmodum Christus dixit, Apostoli scripserunt, et primitiva Ecclesia docuit. Quod vero contrarium ex cogitat, aut additum, aut ad alium usum, quam Christus voluit, acommodatum est, hoc ex animo aversamur.

²⁷ Historia persecutionum Ecclesiae bohemicae (the place and the author not given, probably by Joh. Amos Comenius) 1648. 12mo.

²⁸ *Camerarius*, p. 92. Hist. persecutionum, cap. 20. § 2–6, and *Comenius* ed. Budd. p. 18. The Hist. persecut. and *Comenius* relate further that Michael von Szamberg was then sent to the Waldensian bishop, Stephen, who had been driven from France, and had established himself in Austria, to be consecrated as

although the Calixtines made several attempts to gain them over.²⁹ They were joined by several of the nobles, under whose protection they erected houses of prayer. Their doctrines are stated in the Confession of Faith presented to king Wladislaus in A. D. 1504.³⁰

§ 152.

INDIVIDUAL ATTEMPTS AT REFORM.

The Councils of Constance and Basil had done much to spread abroad the knowledge of the corruptions of the church, though the view taken of its state differed widely with different individuals. The most fertile subject of complaint was the incapacity and the moral corruption of the clergy. The Popes were ready enough to remedy this, so far as consisted in renewing the old rules of discipline, but whenever any reform was proposed for the court of Rome itself, their resistance was most obstinate and bitter. Revolted at the growing evil, there appeared from time to time individuals of powerful minds, who, like the prophets of old, boldly rebuked the vices of the time, and, like them, only too often fell victims to their zeal. In Flanders

bishop. Concerning the pretended Apostolic decree of those bishops, see § 87. It is very remarkable, however, that *Camerarius* should have taken no notice of this circumstance, notwithstanding his mention of Stephen, p. 116.

²⁹ Lochner, S. 38.

³⁰ In three letters to the king, A. D. 1504, 1507, and 1508, in the *Fasciculus rerum expetend. et fugiendarum* ed. *Edw. Brown*, p. 162 seq., and in *Balth. Lydii Waldensis* (T. I. Roterod. 1616. II. Dordraci, 1617. 8vo.) T. II. p. 1 seq. They dwell more on the points of agreement between them and the Catholic church, than on those of difference: of these last they speak most openly in the third letter, *Excusatio contra binas literas D. Augustini datas ad Regem*. With regard to the communion they repeatedly explain their doctrine thus: quando Presbyter rite ordinatus verba testimonii Christi expresserit, continuo panis est corpus Christi verum, naturale, ex castissima virgine sumptum, similiter vinum sanguis est naturalis corporis ejus. Nevertheless they deny (*Excusatio in the Fascic. p. 182 seq.*) the doctrine of transubstantiation, and the worship of the Eucharist. They maintain that the body of Christ est in Sacramento per aliam existentiam quam in dextris Dei. p. 184. cum suo substanciali assumpto corpore, quocum sedet nunc ad dexteram Dei, non potest multiplicari: — et non potest corporaliter sumi a fidelibus animabus, sed solum spiritualiter. — Quamvis Christus non est hic cum corpore naturali: — est tamen spiritualiter, potenter, benedicta, in veritate. In like manner they deny, p. 171 and 177, the worship of saints, and p. 177, the doctrine of purgatory: the true purgatory they maintain is in this world, in quo se purgant ad immortalia corpora. Of the doing away of certain usages they say, p. 180: Ideo multas constitutiones et consuetudines, ordinationes et inventiones non continemus, quia in errorem sunt et eversionem fidei et æquitatis, — et quoniam hæ constitutiones sunt causæ idolatriæ, et spei erroneæ, et vanæ superstitionis, et occultationem mortalis peccati. Malis autem sacerdotibus sunt causa ad eorum indignitatem et ad seductionem a justitia, et ad avaritiam et sacramrum rerum quæstum: populo autem sunt ad latrocinia onusque, ut plura impendant in vestes, ædificia et spendorum, — quod in pauperes et egenos expendere debent. Ideo non observamus in multis rebus, quia multa impedimenta faciunt verbo justitiae, orationi, rebus sanctis circa legis Dei sensum, propter quæ lex Dei venit in contemptum: et ita humanas constitutiones, ordinationesque tam diligenter custodiunt, sicut mandatum Dei vel et diligentius.

the Carmelite, *Thomas Conecte*, began to preach with great success against the vices of the time,¹ but was burned at the stake in Rome, A. D. 1432.² *Andreas*, a Dominican, Archbishop of Carniola,³ and Cardinal, undeceived in his notions of the holiness of the Pope by a visit to Rome, whither he went as imperial ambassador, ventured in the simplicity of his heart to admonish Sixtus IV. of his duty, and became in consequence an object of bitter persecution. He proposed to call a new Council in Basil, to redress the outrageous wrongs of the church, 1482, but died in prison in that city, 1484.⁴ Still more

¹ See a description in *Enguerrand de Monstrelet* (Prévôt in Cambray, † 1453) liv. II. chap. 53. (nouv. édit. par J. A. Bachon. T. V. p. 197).

² *Enguerrand's* account, liv. II. chap. 127. T. VI. p. 62, is unsatisfactory. It appears only that his rebukes of the clergy were fatal to himself. According to *Bertrand d'Argentré* histoire de Bretagne (Paris. 1618. fol.) p. 788, he said, qu'il se faisoit des abominations à Rome, que l'Eglise avoit bien besoin de reformation, et qu'il ne falloit pas craindre les excommunications du Pape faisant le service de Dieu. Il accordoit aux religieux de manger de la chair, et disoit que à l'exemple de la nation Grecque le mariage ne devoit pas estre defendu aux Prestres, ny à ceux des siens, qui ne pouvoient se contenir. *Baptista Mantuanus* de vita beata in fine claims for him the name of a martyr: dum bene beateque viveret, a quibusdam invidis apud summum Pontificem capitis accersit, et post carcerem, post tormenta, post cruciatus tandem, quum nihil damnable reperissent gravius investigantes, quod jure non potuerunt, injuria perfidere fortiter accinguntur, et comburenduni scelerato rogo commiserunt.— Hujus flaminas non Scævola rogo, sed Laurentii posse comparari non dubito: dicant qui velint, obstrepant, clament et insaniant: ille summo vivit Olympo.

³ Archiepiscopus Crayensis, prob. Archbishop of Laybach in Carniola.

⁴ The chief authorities are *Petri Numagen de Treveris*, Andreas' notary, gesta archiepiscopi Crayensis in *J. H. Hottingeri* hist. eccl. N. T. Sæc. XV. p. 347 seq., a collection of Acta with notes by Andreas, in which he attempts to excuse his participation in the matter. Compare *Christian Wurstisen* (Notary in Basil, † 1588) *Baseler Chronik Buch VI. Cap. 14. Joh. Müller's Schweizergeschichte*, Th. 5. (Berlin, 1826) S. 284. — He summoned a general Council by an advertisement put up in the cathedral at Basil, July 13, 1482 (*Petrus Numagen*, p. 360): multis moti gravissimis damnabilibusque scandalis et sceleribus, qua heu oculis vidimus, auribus nostris audivimus in loco honoris, — curia videlicet Romana, vigere et contrahi, indeque inevitabiles depravationes Christifidelium utriusque status per totum longe lateque orbem insurgere, ut heu jam lamentabile sit videre et audire, naviculam Petri, i. e. totam simul universam Ecclesiam, — jactari nedum — persecutionibus Turcorum et infidelium ad extra, verum etiam intra se quassari, et scindi, dirimique laxatis solitusque clavis unientibus ubique per divisiones, prælia, hæreses, peccata, vitia, injustitias, errores et maleficia innumera-bilia, ut non improvide timendum sit, eam tandem — a sorbente gurgite damnationis subtrahi. — Attendentes quoque, juxta sacrosanctæ Synodi Constantiensis magnæ præhabitas providentiam — tot tantisque malis præter sacrum Concilium nullo modo posse finem pacificum imponi; hoc anno — ad inclytam civitatem Basileensem, quam adhuc indubitatum congregandi Concilii locum cognovimus, ob zelum domus Dei nostri cum mordentibus gravibus fatigationibus et periculis nos recepimus, ibique in cathedrali Ecclesia — Concilium generale — legitime congregandum in nomine, ex parte, et ad laudem tantum — D. N. Jesu Christi, — fidei catholicae reformationem, morum correctionem, scelerum, vitiorum extirpationem, et pacem universalem in populo Christiano procurandam — indiximus. On the 21 July, he added thereto an appeal against Pope Sixtus IV. (p. 368): facturus sermonem ad te, o Francise de Savona, Ordinis fratrum Minorum, qui cathedram sanctam male ascendisti, maleque nomine Sixtus IV. jam annis XI. occupasti, Apostoli Pauli ad Elinam habitus verbis recte potero exordiri (*Act. xiii. 10*): o plene omni dolo et omni fallacia, fili Diaboli, inimice omnis justitiae, non desinis subvertere vias Domini rectas: dolo namque et fallacia non intrans per ostium,

like the course pursued by the prophets of old was that of *Jerome Savonarola*, a Dominican in Florence, who, in his stern rebukes and prophecy, aimed at once at reform in church and state, but only fell so much the sooner a victim of the vengeance of Rome (1498).⁵

sed per Simoniam quasi fur per fenestram proh dolor ingressus es in regimen Ecclesiae sanctae Romanae. Inde facientem desideria Diaboli filium te esse veritas ipsa declarat, cum dicit: *vos ex patre Diabolo estis, et desideria patris vestri vultis facere* — Quotiens, o Sixte, intimæ compassionis affectu argui iustitiae tuas, et non nisi auscultasti! quotiens scelerata reprehendi tua, et me despexit! quotiens prævaricationes tuas tibi objeci, et me subsannasti! Nonne licuit mihi secundum formam Evangelii dicere tibi secrete: cur benedicis et maledicis pro pecunia? cur beneficia vendis? cur gratias spirituales pecuniae estimatione taxas? — Et cum sollicitudo tua omnium Ecclesiarum esse debeat, ut quid apud, et quasi coram te peccantes non arguis? Cur toleras Sodomitas, sacrilegos, simoniacos, homicidas, officiis et professionibus suis non satisfacientes, — justitiam vendentes, doctrinam malam docentes, virgines stuprantes, sorores incestantes, sub cœlibatu pueros procreantes, moniales violantes, — fœneratores, Ecclesias quas deserire nequeunt locantes sub usura, — alisque vitiis et maleficiis atque de honestationibus superfluentes? — Inde fit, quod Clerus despicitur, — suscitataque passim inter curiosos Laicos errorum materiæ, vel hæresium opinione — ubique gloriantur, — quod in omnibus castris Cleri non vel vix sit, qui cum eis ad singulare certamen disputationis — descendere ausit, vel saltem incidentem dubitationem pro Laici satisfactione decidere, enucleare, quod facio hæreticum astutum et relativiter ratione et auctoritate concludere norit. Sicque cum majori scandalum Cleri fit, quod Laici fere plus sapiunt, magis honeste, religiose, justeque se gerunt quam Clerici, qui omnia facta sua quasi pro lege habentes, etiam errores suos per legem Jesu Christi conantur defendere. — Tu vero, Sixte, quando his pastorali sollicitudine obvias? ubi est labor tuus, ubi vigilancia tua, ubi districtio tua? — Cumque hujusmodi, o Sixte, a me pluries tibi cum dolore cordis secrete inter me et te dicta non acceperas, — habui ultra adhibere testes, dixique ea in cœtu Cardinalium Ecclesiæ, te ad emendationem exhortans. Tu vero, quasi incurabilis vulnere, quod omnem medicinam absorbet, sanciatus, — non acceperisti admonitionem meam in cor tuum, ut resipisceres, sed magis magisque irretitus raptabas in animam meam, spiransque minarum et cœdis tota die concinnabas dolos, quibus me caperes, tandemque injuste captum et judicatum me libere dimisisti. Igitur ne gravius indies magis magisque Ecclesia per tuas insolentias damnificetur, — jam ultimum supererit, ut dicam Ecclesiæ. This was opposed by *Henricus Institoris*, an Inquisitor for the north of Germany. In his answer we find the remarkable passage (l. c. p. 413): Clamat mundus pro Concilio: sed quomodo congregabitur, ubi dispersi sunt lapides sanctuarii ejus, et obscuratum est aurum, mutatus est color optimus? Cujusmodi reformatio? Dic, ubi obedientia Principium, ubi zelus fidei? Et quia ista deficiunt, quæso, ex Conciliis cujusmodi reformatio proveniet? — *Ecclesiam per Concilium reformare non poterit omnis humana facultas; sed alium modum altissimus procurabit, nobis quidem pro nunc incognitum, licet heu præ foribus existat, ut ad pristinum statum Ecclesia redeat.*

⁵ The chief authority for the history of this man, of whom the most diverse opinions have always been held, are the accounts of two contemporaries, one unfavorable to him in *Jo. Burchardi diarium Curiae Rom.* (see § 133) *Eccard II.* p. 2087 seq., to which belong the important documents, p. 2150 seq., more correct in the Mémoires de Comines éd. de Lenglet du Fresnoy. T. IV. P. II. p. 72, and from a Ms. in Carlsruhe in Paulus aufklärenden Beiträgen zur Dogmen-, Kirchen-, und Religionsgeschichte. Bremen, 1830. S. 281 ff.; and the other *Vita H. Savonarolæ* by his friend *Jo. Franc. Pieus*, of Mirandola († 1533), in *Guil. Batesii* vita selectorum aliquot virorum. Lond. 1681. 4to. p. 108 seq. A rich collection of these and other documents in *Vita R. P. Fr. Hier. Savonarolæ* auct. J. F. Pico Mirandolæ Concordiaque Principe notis accurata: adjecto ceu mantissa revelationum ejusdem F. Hieronymi compendio: additionibus insuper, actis, diplomatis, epistolis, scriptorumque monumentis aucta et illustrata (by the Dominican *Jac. Quetif.*) Paris. 1674. 2 Tomi, 8vo. Very soon after entering the order at Bologna, 1475, he began to prophesy, see *Jo. F. Picus in Batesius*, p. 112: Per

A more narrow, monkish view of the subject was taken by the Fran-

id tempus divinarum revelationum particeps factus ingruentes et Italiae et aliis regionibus calamitates ad futuræ renovationem Ecclesiæ prævidit, quanquam non adeo tunc ea extra dubitationem illi paterent, ut omnis ei ambigendi occasio præcipitur: quod evenit, si propheticæ lunien citra velamen humanae ratiocinationis effulgeat. Etenim adventitio lumine divino partim collustrabatur, — sed duce ratione in eam inclinabat partem, in quam divina quoque visa inducebant. — Consentaneum quippe videbatur, suam ut Ecclesiam Deus eodem perpendiculo, quo semper usus fuerat, metiretur, et obliquos ejus parietes revocaret ad lineam, monitis primum, deinde flagellis pro scelerum varietate diversis. Pontifices summo astu et dolo, necon simoniacæ perfidia supremum aucupari sacerdotium dicebantur palam, sie ut nec quisquam id fere revocaret in dubium. Mox adeptos solium scortis et cinaedis eos auroque coacervando vacare, fama publica circumferebat, atque ad eorum exemplum qui suberant Cardinales et Episcopi sese instituerent. Nullus in eis vel modicus Dei cultus, iis eadem vivendi ratio, nullaque religio. Quin etiam ferebatur, eorum aliquos Deum non colere, et in fidei nostræ contumum et contumeliam pleraque spargere. Sed et plures eorum, qui religiosæ addicti vitæ, ab institutis se laxioribus secreverant, et traditas regulas profitebantur, unde et sibi cognomen usurpaverunt, ad hypocrisim dilabebantur. Proinde fervore in illum Christianis debitum non modo in universum tepuisse judicabant hi, qui Deum in spiritu et veritate colunt, sed torpuisse penitus et friguisse. Ad hæc Principes tyrannicanæ vim publice exercebant, et qui vexabantur, nibilominus rapinis, stupris, sacrilegiis, concussionibus, adulatioñibus inserviebant, ut illud sacrum repeti posset, *non esse, videlicet, qui faceret bonum usque ad unum.* Tantis itaque de causis, propter propheticæ etiam spiritum, quo afflabatur, nonnihil de imminentे clade pronuntiare cœpit, quanquam sacrarum literarum involueris tegebat arcana, ut impuros homines a perceptione mysteriorum arceret, — simul ne visis adhue ambiguis deluderetur. Hanc ob causam særissime Deo preces fundere, et jejuniis corpus macerare, et flagellis atterere, et alios ad id officii cohortari studuit: quo tandem hæc divinæ elementæ munere extra dubitationem lucideque innotescerent sibi, quæ prius ambigue et subobscuræ monstrabantur. Oranti igitur ipsi et divinas laudes in Ecclesia persolventi, dum — is præsertim versiculus caneretur: *Bonus es tu, et in bonitate tua doce me justificationes tuas:* fugatae a sensu et intellectu omnes tenebræ sunt, et suborta lux, quæ dubitationem omnem de futuris quæ præviderat eventus expulit. Mibi enim hoc privatim narravit. — Proinde cœpit confidentius prædicere futuras clades, et eis vcluti quibusdam adminiculis collabentem et tanquam intermortuum pessimis moribus Christianum orbem instaurandum. In 1489 he was removed to Florence, where he immediately began a series of prophetic and reprobating discourses on the Apocalypse (p. 114), prædicabat, renovandam sive reformandam Ecclesiam, sed cedendam prius et purgandam flagello gravi, ni penitentiæ partes susciperentur. At first his prophecies were derided, but soon some of them came to pass: adduxerat autem jam in eum nonnihil populi fidem et prædicta nonnullis mors Innocentii VIII. Pontificis, et prævisus ab eo prædictusque Caroli ejus nominis VIII. Gallorum Regis in Italiam adventus, qui jam accelerare ferebatur ad expugnandum Apulia regnum, et pari voce asseverata Mediceæ familiae calamitas et ejus potissimum capitul Laurentii. Is cum eo tempore in republica Florentina princeps esset, sic ut fere omnia ad ejus nutum agerentur, quamquam sub specie civilis instituti, audissetque Hieronymum apertius in tyrannicos usus inveniri, cum ut sibi conciliaret multis tentavit: but in vain. Partly perhaps, on account of the magnificence and luxury of the Medici. Of his preaching see p. 116: dicendi gratia — copiose abundavit: — quippe cum ipsa lingue celeritas, rerum allatarum sublimitas, magnitudoque, et verborum sententiarumque elegancia prodigo par essent. Pronuntiabat voce libera et acuta, non servido solum sed ardenti vultu, gestuque venustissimo. Ita vero illabebatur in auditorum aures, immo vero in præcordia, ut attentos eos extra se pene raperet. Et cum vox ipsa nec legentis prorsus esset, nec clamantis, nisi cum effulminaret in crimina, in ea tamen sentiebatur utrumque, neutrum discernebatur. See some specimens in Prediche del Rev. Padre Fra Geronimo da Ferrara per tutto l'anno in Vinegia, 1540. Svo. Characteristic extracts see in Riederer's Nachrichten Bd. 4. S. 335 ff. The estimation in which he was held was greatly increased by the fulfilment of his prophecies of the coming of Charles VIII. to Italy, and the

ciscan, *John Vitrarius*, in Tournay, who, however, was induced to

fall of the Medici, 1494 (the historian *Comines*, who came to Florence with Charles, and visited Savonarola, says, *Mémoires*, liv. VIII. chap. 3): il avoit tousjours presché en grande faveur du Roy, et sa parole avoit gardé les Florentins de tourner contre nous: car jamais prescheur n'eut tant de credit en cité. Il avoit tousjours assuré la venue du Roy,—disant qu'il estoit envoyé de Dieu, pour chastier les Tyrans d'Italie, et que rien ne pouvoit résister, ne se defendre contre luy. — Aussi disoit publiquement l'avoir par revelation, et preschoit, que l'estat de l'Eglise seroit reformé à l'espée (i. e. par l'épée): his confidence increased in proportion, *Picus*, p. 115: *Eo ipso tempore quo Carolus VIII. Rex Francorum Florentiae morabatur, divina visa cepit confidentissime patefacere.* — *Multa de imminente clade, multa de reformatione Ecclesiae prædicere, multa de Pontificum et Regum vita dicere, multa de iis, quæ passurus erat ob prædicatam veritatem prænuntiare divino jussu palam exorsus est.* He was not, however, satisfied with the course pursued by Charles in Italy (he sent a message to him by *Comines*, see *Mémoires*, I. c. pour ne s'estre bien acquitté de la reformation de l'Eglise, comme il devoit, et pour avoir souffert, que ses gens pillassent et derobassent ainsi le peuple,—que Dieu avoit donné une sentence contre luy, et en bref auroit un coup de foudre): his hopes in him were all disappointed: Charles had to leave Italy in 1495, and the prophecy of his return was never fulfilled, see *Mémoires de Comines*, liv. VIII. chap. 26: il a toujours presché publiquement, que le Roy retourneroit derechef en Italie, pour accomplir cette commission, que Dieu luy avoit donnée, qui estoit de reformer l'Eglise par l'espée, et chasser les Tyrans d'Italie, et que au cas qu'il ne fit, Dieu le puniroit cruellement. The enemies of Savonarola began now to be numerous. His political influence with the new government gave him the appearance of being the head of a party. The friends of the Medici, who began now to increase in numbers, were of course his foes. *Picus*, p. 118: *Inter omnes vero persecutores Hieronymi hi accrimi inventi sunt, qui moribus pessimis, et potissimum Ecclesiae præsides, quorum vita fœdissima universum orbem fetore repleverat, Florentinique illi cives, qui usurariæ pravitati obstinata operam navabant, et vitorum cœno impensius voluntabatur. Illorum libidinem avaritiamque, illorum luxus simoniacasque labes insectabatur, publice privatinque monere solitus, a Babylone (Romam intelligens) fugiendum esse, quoniam — malignus dæmon — ipsam flagitiorum omnium sentinam cloacamque effecisset. Monachorum, Monacharumque, et pene Religiosorum omnium contumelias ob id in se conflaverat, quod tepiditatem eorum (ita enim appellabat) et abusus quam plurimos coarguebat, suorumque Prædicatorum fratrum calumnias et insidias expertus est, quoniam congregationem fratrum Etruscam ab ea, quæ Cisalpinam incolit Galliam, segregaverat Pontificis Maximi auctoritate, atque illam divino jussu constituerat. — Optabat autem, ut eam vivendi normam tenerent sodales, qua a divo Dominico servata est.* In 1495 he received a summons to appear before the Pope, but excused himself on the plea of sickness, and the danger from his enemies: the municipality of Florence likewise interceded for him, see extracts from their letter in *Vie de Scipion de Ricci par de Potter*. Bruxelles, 1825. T. II. p. 438 seq. Finally, in 1457, Alexander VI. sent a Breve to the Dominican convent in Florence, see *Burchardi diar.* in *Eccard* II., p. 2151: *Sane Hieronymum quandam Savonarolam de Ferraria Ordinis Prædicatorum novitate pravi dogmatis delectatum accepimus, et in eam mentis insaniam Italicarum rerum commutatione deductum, ut se missum a Deo et cum Deo loqui sine ulla canonica attestatione fateatur in populo contra canonicas sanctiones.* — *Christum præterea Jesum crucifixum et Deum mentiri, si ipse mentiatur, horrendum certe et execrabilis adjurationis genus; extra salutis statum eum esse, qui vanis illius assertionibus non credit; alia deinceps illum non minns inepta facere, dicere et scribere, quæ si prætereantur impune, nihil est quod non ausura falsorum Religiosorum temeritas sit, et in corpus Ecclesiae, quod verendum est, vitia sub virtutum specie subintrarent.* — *Credebamus, — jam advenisse diem, quo de ipso meliora concipere deberemus, ac dolorem, quam nunc usque ex effreni arrogantia et scandalosa separatione a Patribus suis Lombardiae perpessi fueramus, quæ subdola calliditate, sicut post cognovimus, perversorum quorundam Fratrum impetrata est, sua humili adhærentia in lætitiam commutaremus: sed quod dolenter referimus, spe nostra frustrati sumus.* Nam licet per literas nostras ipsum in virtute sanctæ obedientie

monuerimus, ut ad nos veniret, veritate ab eo et ab ore suo intellectuos ; tamen non solum venire et nobis obedire recusavit, verum etiam in dies ipse acerborem magis doloris nobis causam subministravit, impudenter fidelium oculis legenda ingerens, quæ solo alias auditu temere profuderat imbibenda. On these accounts the Pope commissioned the Vicar-general of the Dominican congregation in Lombardy to investigate the case, in the mean time forbidding Savonarola's preaching, and ordering him to join again the congregation of Lombardy. In his answer to the Pope, dd. 19 Sept. 1497 (see *Eccard* II. p. 2153, more complete in *Paulus Beiträgen*, S. 289), Savonarola defends himself against these charges. In answer to the charge me novitiae pravij dogmatis delectatum, he appeals to his often repeated declaration, me et omnia mea sanctæ Romanae Ecclesiæ submittere. — Si quis autem dicat, quod prædicarem futura, nondum est falsum dogma, quia hoc semper fuit in Ecclesia Domini Dei. — Secundo quia in litteris prædictis dicitur, me in eam mentis insaniam Italicarum rerum commutatione deductum, hoc etiam manifeste falsum est, et ab omnibus scitur, quia præterierunt quinque anni, quibus hæc prædixi, vel plures etiam quam decem anni jam sunt. Afterwards he defends the separation from the congregation of Lombardy as not done in secret, maintaining that the Vicar-general of the congregation is not a suitable person to judge of his case, and strives to prove that the Pope's order to join the congregation must be forged. He thus concludes: ego paratus sum in omnibus emendare me ipsum, ubique erro, et publice coram populo universo omnia errata mea revocare. Dignetur Sanctitas Vestra mihi significare, quid ex omnibus, quæ scripsi vel dixi, sit revocandum, et ego id libentissime faciam, nam et hac vice et semper, sicut saepius dixi ac etiam scripsi, me ipsum et omnia mea dicta et scripta subjicio correctioni sanctæ Romanae Ecclesiæ et Sanctitati Vestrae. On this the Pope wrote him more graciously, dd. 16 Oct. 1497 (*Eccard* II. p. 2152), inviting him to appear before him privately, but renewing the prohibition to preach. Savonarola observed this prohibition only for a little time, and his beginning again to preach was the signal for his enemies to prepare for a decisive blow. He was excommunicated: *Jo. Poggiius*, Secretarius Cameræ Apost. wrote a Refutatorium errorum Fratris Hier. Savonarolæ: *Jo. Fr. Picus*, an Apologia pro Hieron. Savonarolæ viri prophetæ innocentia (in *Goldasti Monarchia* II. p. 1635 seq.). Florence itself being threatened with excommunication, Savonarola ceased preaching. His brethren of the order now preached in his defence, the other monks against him. At length a Franciscan challenged a Dominican to the trial by fire; the points of controversy were (*Jo. Burchard* in *Eccard* II. p. 2088): Conclusiones rationibus ac signis supernaturalibus probantur. Ecclesia Dei indiget renovatione. Flagellabitur, renovabitur. Florentia quoque post flagella renovabitur et prosperabitur. Infideles convertentur ad Christum. Hac autem omnia erunt temporibus nostris. Excommunicatio nuper lata contra Rev. Patrem Hieron. Savonarolam nulla est: non servans eam non peccat. Instead of the ordeal there was only a controversy between the monks. Each party now laid the blame upon the other. The populace, however, stormed the convent of the Dominicans, and Savonarola with other brethren, were made prisoners, and put to the rack. Two deputies from Rome put him again to the torture, and finally, May 23, 1498, ordered him, with two others of the order, to be hung and burned. His enemies maintain that on the rack he acknowledged himself an impostor (see *Burchard* in *Eccard* II. p. 2095): This his friends deny, *Picus in Batesius*, p. 130 seq.), maintaining that there are two reports of his trial, one genuine, the other spurious, see *Jac. Quetif* and *Jo. Franc. Pici vitam Savon. ad cap. XVII. and Theoph. Spizelii infelix literatus*, p. 665. The opinions concerning Savonarola have always been very various. Through the influence of the Dominicans, the favorable view afterwards prevailed in the Catholic church, so that *Dan. Papenrochius* (*Acta SS. Maii*, T. V. 234) was uncertain whether or not to include him as *beatus*. In the Dominican convent in Florence, his cell was changed into a chapel (see *Vie de Scipion par de Potter*. II. p. 467). Compare *J. F. Buddei retractatio dissertationis de artibus tyrannicis Hier. Savonarolæ in the Parerga historicoo-theologica*, p. 321 seq. Amongst his writings are, besides sermons: *Triumphus crucis*, Florent. 1497. 4to. a defence of Christianity, *De simplicitate christiana vita libb. IV. 1496.* *Expositio orationis dominicae*. See the Theology of Jerome Savonarola by *D. F. W. Ph. v. Amon* in *Winer's und Engelhardt's Journal der theolog. Literatur*. Bd. 8. S. 257 ff.

retract, A. D. 1498.⁶ All these alike made the mistake of expecting relief from new laws and institutions. A deeper view of the subject was taken by the Carthusian, *James of Erfurth*, who directed his attention rather to the prevailing superstitious notions and usages,⁷ and the licentiate of the Sorbonne, *John Laillier* (A. D. 1484 seq.), who showed the mischief of the Roman usurpations;⁸ for it was in

⁶ His doctrines as condemned by the Sorbonne in *d'Argentré collectio judiciorum de novis erroribus I. II.* p. 340: Il vaudroit mieux couper la gorge à son enfant, que de mettre en Religion non reformée. — Quiconques estoit la Messe d'un Prestre tenant une femme en sa maison, peche mortellement. — Minus maluin est homicidium, quam peccatum carnis. — Se ton Curé, ou aucun Prestre, tiennent femmes en leurs maisons, vous devez aller en leur maison et par force tirer la femme, ou autrement, confusiblement hors de sa maison. — Le Chant de Musique, que on chante à nostre Dame, n'est que de paillardise et provocation de paillardise. — His positions against absolution, see § 146, note 30. — Horæ b. Mariæ non debent dici Sæcularibus. — Sancti non sunt rogandi. — Il y a aucuns, qui dient aucunes Oraison de la Vierge Marie, à fin que à l'heure de la mort ils puissent veoir la Vierge Marie (compare § 78, note 8). Tu verras le Diable, non pas la Vierge Marie — Il vaudroit mieux à une femme mariée rompre son mariage, que de rompre son jeûne.

⁷ See § 144, note 1.

⁸ In a public disputation, 1484, he maintained (*d'Argentré I. II. p. 308*): Petrus non habuit a Christo potestatem supra alios Apostolos, neque primatum. Omnes hierarchisantes aqualem potestatem acceperunt a Christo ita, quod Curati sunt aequales in potestate, regimine et jurisdictione. Summus Pontifex non potest remittere viatoribus totam pœnam eis debitam ratione peccatorum suorum virtute indulgentiarum, etiam si justa et rationabiliter dentur. Abbates, Piores, et alii Praælati Religiosorum non absolvunt suos Religiosos in virtute clavium, sed ex sola consuetudine. Confessio non est de jure divino. Si vultis, quod ego loquar de summo Pontifice, ego vastabo totum. Simplices sacerdotes sunt inutiles. Confessi Religiosis mendicantibus, præsentatis et acceptatis secundum formam Decretalis *Dudum*, etc., non sunt absoluti et tenentur eadem peccata confiteri Curato. Summus Pontifex Johannes XXII. non potuit condemnare de Poliaco, nec facere Decretalem *Vas electionis* (§ 109, note 3). Quod decreta et decretales summorum Pontificum non sunt nisi truphae. Ecclesia Romana non est caput aliarum Ecclesiarum. Unus hierarcha erat major altero in bonis temporalibus, vel forsan in virtutibus, et non in potestate hierarchisandi. After 1486 there is a new catalogue of the heresies which Laillier preached to the people (l. c. p. 308 seq. Compare p. 311 seq.): I. Vous devez garder les Commandemens de Dieu et des Apostres: et au regard du commandement de tous ses Evesques et autres Seigneurs d'Eglise, tout autant que de paille, ils ont destruit l'Eglise par leurs vafferies. II. Aucuns ont presché de ung Saint, qui est au lieu d'où Lucifer trebuecha (see *Johannes Mercator*, above, § 140, note 11). Tels prescheurs gastent tout, et depuis qu'ils ont esté instituez, jamais l'Eglise de Dieu ne prosperera. Ils feront tant, que quand la matiere sera bien discutée, on trouvera que celuy, qu'ils reputent Saint, n'est pas au lieu où étoit Lucifer, mais est au lieu, où actuellement est Lucifer: et ainsi que Pluto, dieu infernal, tient Proserpine entre ses bras, ainsi Lucifer tient cette ame. III. Les Saints riches et pecunieux sont maintenant canonisez, et les pauvres delaissez. Par quoi je ne suis pas tenu de croire tels estre Saints. La raison: si le Pape reçoit certaine somme de ducats, on monte sur vingt echaffaux à Rome pour le canoniser, etc. — Depuis le temps de St. Silvestre nul des Confesseurs a esté justement canonisé. IV. Se ung Prestre estoit marié clandestinement, et venoit à moy à confesse, je ne lui enjoindrois point de penitence. V. Les Prestres de l'Eglise Orientale ne pechent point en soy mariant, et croy, que ainsy ne ferions nous en l'Eglise Occidentale, se nous nous marions. VI. En ung conseil depuis quatre cents ans fut interdit aux Prestres soy marier de ung Pape ou d'un Papillon. Je ne scay s'il le povoit faire. VII. Je donneray deux blances à celuy, qui me produyra aucun passage de l'escripture, par lequel soyons obligez a jeansner le Caresme. VIII. A b. Sylvestro citra

fact the tendency to substitute mere forms for the true spirit of religion, from which all the evil sprung. In Germany the character of the people naturally disposed to an internal religion, combined with the excitement produced by the Hussites⁹ to lead men's minds to this view, and so to the true remedy of the evil in the study of the Scriptures.¹⁰ This was especially the case in Franconia;¹¹ though the

Ecclesia Romana non est amplius Ecclesia Christi, sed Cæsaris et pecuniarum. (Of this Laillier says in his recantation, p. 312: Et ay dit ces paroles en recitant l'opinion d'un grand Docteur, comme Wicles, que croyois, ainsi que ay affermé par serment, estre Catholique, et n'avoir été reprobé par l'Eglise). IX. On n'est point plus tenu de croire aux Legendes des Saintcs, que aux Cronicques de France. Furthermore the proposition: Simplex Sacerdos potest ita bene consecrare Chrisma et sacros Ordines conferre, sicut Papa, vel Episcopus: et omnes sacerdotes sunt æqualis potestatis, tam Ordinis quam jurisdictionis, tantamque auctoritatem habet Thomas apud Indos, quantum Petrus apud Romanos. The bishop of Paris forced him to retract the propositions of 1486 in the same year, and thereon gave him absolution (l. c. p. 310 seq.). The theological faculty, who were not present at the investigation pronounced the recantation unsatisfactory, and the absolution hasty, and appealed to the Pope (p. 313 seq.), who ordered a new investigation (p. 318 seq.).

⁹ cf. Epist. *Juliani Card.* § 131, note 6. Also the zealous resistance to absolution § 146, note 30. In the trial of John Wesel it appears that Hussite missionaries had penetrated to almost every part of Germany (note 14). John Wesel was accused of intercourse with a certain Nicholas de Bohemia vel Polonia, to whom he was said also to have dedicated a treatise super modo obligationis legum humana- rum. He confessed secum eodem Nicolao fuisse conversatum de medicinis, et de communione sub utraque specie in Moguntia et Wesalia: addidit, quod istum Nicolaum viciisset ex Evangelio. In particular Nicholas Rus, a priest and licentiate of theology in Rostok, about 1510, was led by his intercourse with the wandering Bohemian Brothers, (see *Flacii Catal. test. verit. ed. Francof.* 1666. p. 840, and *Chyträe Saxonie*) to write his work de triplici funiculo in the Low German dialect, in which, amongst other attacks on the Pope, are the following propositions: indulgentias esse merari deceptionem piorum, et quæstum: veras indulgentias contingere a solo Deo gratis propter Christum omnibus vere pœnitentibus: Papam non eam potestatem habere, quam ei multi tribuant, nec audiendum, nisi recta præcipiat: Sanctorum ossa non esse adoranda, Sanctos non esse invocandos: Spirituales debere dare censem, et subesse Magistratus. Further, reprehendit tradiciones humanas, varios abusus et superstitiones. In primis vero gravissime insectatus est Spiritualium turpissimam vitam et officii neglectionem: dicit eos Antichristi ministros esse. He was exiled together with all who adhered to him, and went first to Wismar, but returned afterwards to Rostock, and finally took refuge in Livonia.

¹⁰ Thus *Jo. Trithemius* writes to *Carolus Bovillus*, A. D. 1505 (see *Trithemii opp. hist. ed. Marqu. Freherus. Francof. 1601. fol. P. II. p. 476*): Numquam mihi placuit quorundam curiositas, qui humana commiscent divinis, et sacram Scripturam, quæ et pura et sibi sufficiens est et nobis, gentilium loquacitate commaculant. Contra quas b. Hieronymus in epistola loquitur ad Damasum Papam: *De Scripturis disputantem non decet Aristotelis argumenta conquirere, etc.* — Scriptura enim Dei manifesta est, testimonium Dei lucidum est, sapientiam prestans parvulis. Non egent literæ divinæ plicis, non involueris, non replicis, quia hæc non sapientiam præstant parvulis, sed eorum animos in confuso relinquunt, et per omnem vitam mentes hominum aberrare compellunt.

¹¹ As early as A. D. 1415, Frederick I. Elector of Brandenburg, appointed a preacher in the convent of St. Gumbert in Onolzbach, with the direction to preach the gospel according to the Scriptures, and as much as possible to forbear the ceremonies of the church of Rome, see *Jäck Materialien zur Geschichte und Statistik Bamberg's. Th. 2. (Bamberg 1809) S. 111.* — On his way to Constance, Huss was exceedingly well received in Nuremberg, see his letter to the Bohemians in *Theobald's Hussitenkrieg. Nürnberg, 1621. Th. 1. S. 40 f.* — Afterwards the

great number of translations of the Scriptures which appeared show how general was the newly awakened feeling of their importance.¹² Next to the Bible the writings of Augustine contributed most to nourish this, the true spirit of reform. Three men in particular went before all others in this direction, and may therefore be considered as the forerunners of the great Reformation of the 16th century. *John of Wesel*,¹³ Doctor of Theology in Erfurth, and afterwards as a preacher at Worms, attacked with great power the prevailing errors, and appealed to the Scriptures as the source of all true doctrine, but was forced to retract at Mayence, A. D. 1479,¹⁴ and ended his life

Council of Bamberg made every citizen take an oath against the Hussite heresy, which see in Jos. Heller's *Reformationsgeschichte des ehem. Bisthums Bamberg*. Bamberg, 1825. S. 11. Several similar occurrences in the 15th century, see in Heller. l. c.

¹² See § 145, note 13.

¹³ His proper name was John Richrath of Oberwesel. Concerning him see Joh. Wessel ein Vorgänger Luthers von D. C. Ullmann. Hamburg, 1834. S. 109 seq.

¹⁴ The immediate occasion of the proceedings against him was, according to *Wigandi Wirt* (see § 144, note 20) dialogus apologeticus, his intercourse with the Hussites (see note 9). He says (*Walchii monum. mediæ ævi*, Vol. II. fasc. 2. Præf. p. XVII): tractatus, manu Wesaliensis conscriptus ad Bohemianum mitten-dus, quem tuus ille magister, Joannes quippe, quasi fidei regulas isti Nicolao Bohemorum nuntio tradiderat, discipulum captivitati, magistrum vero inquisitioni tradidit. Still the furious Dominican may have only inferred this from the Acta of the trial, without any particular authority for the assertion. In fact, however, there is no sufficient ground here for such an inference, far too little weight being here laid on this alleged intercourse. See *Paradoxa D. Jo. de Wesalia*, damnata per Magistros nostros hæreticas pravitatis Inquisitores de Ord. Prædic. M. N. Gerhardam Elten de Colonia et M. N. Jacobum Sprenger anno 1479, Mognutiae, and *Examen magistrale ac theologicale D. Jo. de Wes.* (the Acts of the proceedings against him) in *Orthuini Gratii* fascie, rerum expetendarum et fugiendarum, fol. 163. (ed. Brownii, p. 325), and in *d'Argentré I. II. p. 291* seq. The most important for the study of his theological views are his writings: *Disputatio adv. indulgentias in Walchii monumenta medii ævi* fasc. I. p. IIII seq., and *De auctoritate, officio et potestate pastorum ecclesiasticorum in Walch*, vol. II. fasc. II. p. 115 seq. (This work no doubt is his, since he was examined on propositions contained in it: it is the work cited in the *Examen die Lunæ III.* under the title *tractatus de potestate ecclesiastica*, but not as *Walch*, l. c. Præf. p. XIX., supposes, addressed to a Bohemian.) The first of these works he thus begins, p. 114: ante omnia protestor, nihil velle — asserere, quod veritati fidei, quæ in scripturis sacris continetur, quovis modo sit contrarium. Si vero opinio, vel assertio mea fuerit contraria alicui etiam sanctorum Doctorum, volo salvam esse ejus honorificentiam et sanctitatem, quia ajo cum b. Augustino ad Hieronymum: *alias ita lego, ut quantilibet sanctitate doctrinave polleant, non ideo verum putem, quia ipsi ita senserunt, sed quia etiam per alias auctores, vel canonicas, vel probabiles rationes, quod a vero non aberrent, persuadere potuerunt.* (So too, he acknowledged on his trial, XVII., that he did not believe, *quod sacra Scriptura sit eodem spiritu exposita per SS. Patres et doctores, quo creditur primo tradita et revelata*: and die Martis he said expressly, *quod nihil sit credendum, quod non habeatur in Canone Bibliæ.*) His principles concerning the forgiveness of sins and absolution were as follows: Omni delinquenti contra legem Dei Deus ipse legislator ex justitia indicit poenam, quam non remittit, quantumcunque per misericordiam remittat culpam. (namely, p. 135 seq. the true forgiveness of sins is only remission of the reatus pœnæ eternæ, not, however, of the reatus pœnæ temporalis.) Sacerdotes Christi, quibus datae sunt claves regni cœlorum, ministri sunt Dei in remittendis culpis. Pœnam quam pro peccato Deus indixit delinquenti, non potest homo remittere illi. Aliquem, quemcunque sacer-

dotem, etiam summum Pontificem, indulgentias dare, quibus sit homo ab omni pena a Deo indicta solutus, non est in sacro canone scriptum. Ab omni pena, quam homo vel ius positivum infligit pro peccato, potest summus Pontifex absolvere. Ostenditur, quia ipse est *ab Ecclesia constitutus* juris positivi institutor, in quantum ad adificationem Ecclesiae facit, non ad destructionem. Quod penae per hominem vel ius positivum indictae pro peccato respondeant Dei inductioni penae, ita quod illa soluta satisfactum sit Deo, non est certum, nec creditum, nisi cui Deus revelavit. Opinionis doctorum de thesauro Ecclesiae, congregato ex merito Christi et operibus supererogationis Sanctorum, commissio summo Pontifici ad distribuendum, quamquam sit valde pia, salubres tamen sunt debiles objections. — Opera Sanctorum in via existentium secundum esse suum transitoria sunt, et dum cessant Sancti operari, ipsa nullum esse habent secundum se: Dei autem misericordia, addita operantibus iis gratia gratumfaciente, aut est meritum, aut causat meritum. Sunt ergo opera non aliter, quam secundum (*gratiam*) meritum. (Hence he acknowledged on his trial that he had said to certain monks, XXII. : *Religio non salvat vos, sed gratia Dei;* and yet believed, *religionem viam esse ad salutem*). — Distribuere autem illa merita nemo potest, nisi Deus principaliter. Si autem homo ministerialiter haec potuerit distribuere, hoc non erit, nisi per divinum pactum. — Tale autem pactum esse factum cum ministris per Jesum, in evangelicis scripturis non habetur. Quare non est habitum. Of the forgiveness of sins, p. 126. Remissio peccatorum est gratiae, gratum facientis hominem Deo, donatio sive infusio. — Solus Deus donat gratiam et infundit — absque precedente merito — his, qui quantum in eis est se parant ad recipiendum eam. P. 128: Poenitentia est dolor de commissis peccatis. Et haec est dispositio congrua ad remissionem peccatorum. P. 131: Est ex superiori dictis notum, nullos sacerdotes facere remissionem peccatorum principaliter et effective, nisi per divinam assistentiam, qua est gratia donata. Quare remissio Sacerdotum est quoddam ministerium sacramentale, exhibunt peccatori poenitentia. Et non est aliud, quam datio saeramenti poenitentiae, cuius effectus est remissio peccatorum. He maintained, esse divini honoris, ut ipse solus creet et donet gratiam ex sua mera liberalitate, and therefore wished to substitute for the definition of a sacrament: est invisibilis gratiae visibilis forma, sie quod ipsius imaginem gerat et causa existat Augustine's definition: est invisibilis gratiae visibilis forma. P. 143 seq., in the passages *Matth. xvi. 19; xviii. 18. quodcumque ligaveritis, etc.* the church was not invested with the claves jurisdictionis, but only with the power of excluding impenitent sinners: p. 146: *jurisdictio, quae est in Ecclesia, secundum quam principes dominantur subditis, et leges indicunt eis, est a gentilitate sumpta et Christi verbo vetita (Matth. xx. 26).* Jurisdictio itaque, que nunc est in Ecclesia, est ab hominibus instituta, ut sentit b. Hieronymus in epistola ad Evarandrum et in expositione epistola ad Titum (see vol. I. § 29, note 1). Ex his sequitur, quod pueriliter sentiunt, qui dicunt, indulgentias dari ex vi clavium jurisdictionis. P. 152: tales remissiones, vocatae indulgentiae, sunt piæ fraudes fidelium, ut dixerunt multi presbyteri, et signanter quidem Cantor Parisiensis; fraudes, quia fideles peregrinantur ad sancta loca, afferunt eleemosinas ad pias causas — opinione, quod liberentur per ea ab omnibus penis, — et in hac opinione decipiuntur. — Et quia contingit, fideles talia facere opera in caritate Dei, erunt ipsa opera meritoria vita æterna et augmentatoria gradus gloriae, ideoque sunt piæ et utiles. Then p. 153 seq. of the infallibility of the church. Quia in Ecclesia universalis continetur Ecclesia Christi fundata super petram, — et haec Ecclesia Christi est sancta et immaculata, — ideoque in ea non est error; — haec erit vera locutio: Ecclesia universalis non errat. At the same time it is true: Ecclesia universalis errat. — Sie et hodie vere dicitur: Ecclesia est peccatrix, est adultera. To infer the holiness of the whole church from that of any particular church was not allowable, quia ex particularibus procedit. — From all this it is plain that John did not attribute to the hierarchy divine authority: their duties and their rights he discusses at large in his Tract. de potestate ecclesiastica in *Walchii monim. medii ævi II. II. p. 118.* It is important for the understanding of many apparent paradoxes which occur in his accusation to bear in mind the proposition with which he begins this work, ferendam esse quorumcunque magnatum tyrannidem, et imperiis tenere non esse reclamandum, quatenus ratio Evangelii per tolerantiam afflictionum non perielitetur. Thus we may explain his assertion in the Paradoxis: Qui potestati resistit, Dei ordinationi resistit; sic scilicet, quod velit potestatem non esse. Thus, on the one hand, he denies, in

Examen XIV. quod Apostoli habuerunt auctoritatem a Christo condendi canones, aut instituendi alias leges (cf. De potest. eccl. in *Walch* II. II. p. 133: Qua nunc audacia — Apostolorum successores — mandant observandum, non quod Christus in literis sacris, sed quod ipsi ex sese vel quæstus gratia hic impulsu, aut imperitandi libidine affecti, præcipiunt: Si ne ipsis quidem Apostolis licuit extra præcepta Dei quicquam docere, cum dicat Dominus: *docentes eos servare, quæcunque præcepisti vobis!*) and in accordance therewith says, XXIV. nullum esse peccatum mortale, nisi quod Canon Bibliae dicit esse mortale. So too XXVIII. Si vicarius significat aliquem, qui in absentia principalis habet facere opera principalis, tunc Christus non habet vicarium in terris. And yet he admits the propositions XI. Romanam Ecclesiam esse caput omnium aliarum Ecclesiarum, XII. quod Romanus Pontifex sit Christi vicarius, et necessarium esse unum caput Ecclesiæ, XVI. differentiam esse inter Episcopum et sacerdotem, and XV. that the laws of the Hierarchs were binding, namely, quod transgredientes legem humanam sic assumpsum, peccent mortaliter. XXI. also he answers to the questions concerning the necessity of the continence of the clergy, and the septem horæ canonice: quod, quia suscepérunt, etiam ad mandatum Ecclesiæ teneantur. Still, of course, he considered all these to be mere human institutions, and so preached (see Paradoxa): Christus nunquam instituit aliquod jejuniū, nec prohibuit quemcumque cibum quoquaque die, sicut carnes. Christus nullum festum præcepit celebrare. Item nullam orationem docuit, nisi dominicam, neque mandavit sacerdotibus canere vel legere septem horas canonicas. Si quis confiteatur, injungitur illi ardua poenitentia, ut peregrinetur Romam, vel ad alia renotiora loca, strictum jejuniū, quod dicat multas orationes. Quod Christus non fecit, sed solum dixit: vade, noli amplius peccare. Sic gravata est Christianitas per humanas leges et constitutiones. He objected, however, to open disobedience, De potest. eccl. in *Walch* II. II. p. 144: Si offensio proximi timeatur per hanc inobedientiam, profecto quatenus obtemperare licebit imperantibus non periclitante veritate, nefas fuerit non obediēre: non quia hoc præceptum ab homine proficiscitur, sed quia expostulat caritas. His views of the efficacy of the usages in the church may readily be inferred: see Examen die *Martis*: Interrogatus, quid sentiat de consecratione et benedictione altarium, calicis, ornamentorum, cereorum, palmarum, herbarum, aquæ benedictæ, et aliarum rerum inanimatarum, etc., credit, quod nihil virtutis spiritualis et efficaciam habeant ad effugandum dæmones, et pro remissione venialium peccatorum. Credit etiam, quod aqua benedicta non habeat maiorem efficaciam, quam alia aqua non benedicta, etc. His notions of free grace were peculiar. Essentially they were the same with those of Augustine: in the Paradoxis we have the following propositions: Deus ab aeterno condidit librum, in quem scripsit omnes suos electos: quicunque autem in eo non est scriptus, nunquam inscribetur in ipsum in æternum, et qui in eo scriptus est, nunquam ex eo delebitur. — Sola Dei gratia salvantur electi. Et quem Deus vult salvare, donando sibi gratiam, si omnes sacerdotes vellent illum damnare, aut excommunicare, adhuc salvaretur ille. Et quem Deus vult damnare, si omnes—vellent hunc salvare, adhuc iste damnaretur. And in accordance with this he said in the Examen die *Martis*, quod Deus potest conferre gratiam habenti usum rationis absque omni motu liberi arbitrii. Opinatur, quod b. Paulus in sua conversione nihil fecit suo libero arbitrio pro sua conversione. — Sola Dei gratia salvantur electi. When therefore on Monday he acknowledged it to be his opinion, nullum esse peccatum originale in parvulis jam conceptis in utero materno; it was probably on the ground that only those who were capable of reason, are capable of sin. Other remarkable views of his are Examen die *Lunæ* VII. quod sacra scriptura non dicat, quod Spiritus Sanctus procedat a filio, aut ab utroque. VIII. falsum esse in symbolo Athanasiano hunc versum: *nam sicut anima rationalis et caro unus est homo, ita Deus et homo unus est Christus.* XIX. quod corpus Christi possit esse sub specie panis, manente substantia panis. John Wessel's opinion of John of Wesel in his Epist. ad Ludolphum de Veno (Opp. ed. Groning. 1614. p. 920 seq.): Audisti periculum venerabilis illius viri, Mag. Jo. de Wesalia, cuius tametsi, ut crebro ex me audisti, exorbitantes illæ et populo scandalosæ absurditates displiceant, eruditio tamen et peracre ingenium ejusmodi est, ut virum illum nequeam non amare, aut casibus ejus non condolere. O quantum profuisset illi, nostro more, ut sœpe inter nos Parisiis recensui, ante tum Realium tum Formalium exercitatum studia transegisse, et ita demum non incautum, non inopinum, sed velut ex arce et

in prison, A. D. 1482. On the other hand, *John Goch*,¹⁵ Prior of a nunnery in Mechlin († 1475), who taught essentially the same thing, in dwelling constantly on the importance of perfect freedom as the vital principle of all true virtue,¹⁶ was left undisturbed, whilst the

specula futuros insultus providisse. — Sæpe ego veritus in eo inconsideratam et temerariam ejus locutionem, qua licet scholasticæ subtilitatis, et fortassis nonnunquam aliquid catholice veritatis haberet, et tamen in vulgo indoctum, et non capacem plebem proferri cum gravi simplicium scandalo prorsus odiosum. The things in his preaching, at which offence was taken, were such as these: e. g. in the Paradoxis: Si s. Petrus instituisset jejunium, forte ideo fecisset, ut eo melius pisces suos vendidisset. Sacrum oleum est sicut aliud oleum, quod comedis domi in offa. Ich verachte den Bapt, die Kirche und Concilia, und lobe Christum. At his trial he was accused, no. XX., of having preached in Wisbaden, quod videns venerabile sacramentum Eucharistiae videat Diabolum, though he denied it. The proceedings against him were the more cruel, inasmuch as he was already an infirm old man (Examen die Lunae XX.: præ senio et debilitate vix cerebrare poterat), and had long been ill. Worthy of remark is what is said by the reporter of the trial at the close of this statement: Magister Jo. de Wesalia longo tempore gravi morbo laboravit, nihilominus inquirebatur ab eo satis fervide. Quædam negavit se dixisse, quædam et præ ætate et languore potuit conabatur interpretari, et ipse per sese etiam allegabat suam diuturnam infirmitatem. Dempto solo articulo de processione Spiritus Sancti, in aliis videtur non ita gravi censura fuisse castigandus, si inducie datae fuissent, si consultores ei fuissent adhibiti, si non omnes uno solo dempto fuissent de via Realium. Et nisi forsitan impetus quidam irrepsisset in Religiosos triumphandi de Sæculari, et præsertim de eo, qui illorum Thomam peculiariter non coluerat, forsitan poterat cum eo mitius — benigniusque actum — fuisse. Deum testor, qui omnia novit, hunc processum, qui cum eo servatus fuit usque ad revocationem et librorum suorum exusionem, vehementissime dispuisse Mag. Engelino de Brunsvico, maximo Theologo, et Mag. Johanni Keisersbergio, duobus utique viris (then both preaching in Strasburg) cum doctis, tum integris. Præcipue Mag. Engelino visum fuit nimis præcipitanter cum tanto viro actum esse. Immo non verebatur asserere, multos articulos ejus et majorem partem posse sustineri. Nec obticuit de simultate Thomistarum contra Modernos, et de gaudio triumphandi Religiosorum contra Sæculares. Quis nisi ipse Diabolus seminavit illam zizaniam inter philosophos et inter theologos, ut tanta sit dissensio — inter eos, qui Thomam, qui Scotum, qui Marsilium imitantur, adeo ut, si universalia quisquam realia negaverit, existimetur in Spiritum Sanctum peccavisse? — Unde hæc cæcitas mentis, nisi a Diabolo? qui, ne utiliora, ne honestiora, ne moribus, virtutibus et saluti animarum conductuentia discamus, phantasias nostras illudit, et trahit ad res minus salutares, et ad gelidas harum intentionum speculations, quibus neque ad Deum devoti reddinur, neque ad proximi dilectionem inflammamur. Et ideo minus adificianus in Ecclesia Dei, neque fervor Christianorum videtur augeri, sed indies diminui.

¹⁵ Johann. Pupper. Of whom see *Walchii monim. mediæ ævi fasc. IV. Praef. p. XIII. seq.*, and vol. II. fasc. I. Praef. p. II. seq.

¹⁶ Works: *De libertate Christiana* (ed. Cornel. Grapheus. Antwerp. 1521. 4to. The editor was taken by the Inquisition and forced to retract, see *Gerdessi* scriinium antiquarium. T. VI. p. 496 seq.). *De quatuor erroribus circa legem evangelicam exortis, et de votis et religionibus facticiis dialogus* (in *Walch* fasc. IV. p. 73 seq.). *Epist. apologetica adv. quendam Prædicatorii Ordinis super doctrina doctorum scholasticorum et quibusdam aliis* (ed *Corn. Grapheus*. Antwerp. 1521. Reprinted in *Walch*, vol. II. fasc. I. p. 1 seq.). Of the true source of all doctrine Epist. apologet. in *Walch* II., I. p. 10: *Sola scriptura canonica fidem indubiat et irrefragabilem habet auctoritatem*. *Antiquorum Patrum scripta tantum habent auctoritatis, quantum canonicae veritati sunt conformia*. *Hæc fideli sunt amplectenda, quia canonica veritate student approbare quæ dicunt*. *Modernorum vero doctorum, maxime Ordinum Mendicantium, scripta, pro opinionibus innixa, nec fundamentum habent solidum, nec veritate illustrant intellectum, sed variis argumentorum implicationibus ipsam nudam et simplicem veritatem obnubilantia, vanitati magis*

deserviunt quam veritati. (cf. *Dialogus in Walsh IV.* p. 77 seq.). He points out four errors: Dialog. p. 83: Primus fuit illorum, qui cum lege evangelica, quam Christus suis sequacibus sub modicis præceptis et paucis sacramentis liberam dereliquit, onerosam etiam servitutem legis Mosaicæ necessariam fore ad salutem contendebant. P. 84: Secundum genus errorum est illorum, qui perfectionem christianæ vitæ ita in sola fide constituerunt, et opera fidei sibi necessaria non crediderunt, ita ut credentes in Christo et bonum fidei habentes, omnia sibi alia licere arbitrati sint. P. 91: Tertium genus errorum est illorum, qui utruinque actum tam interioris volitionis quam exterioris operationis ad christianæ vitæ perfectionem necessarium credunt: sed, quod naturales vires liberi arbitrii, sive naturalis facultas humanae naturæ absque auxilio divinae gratiæ ad hoc sufficiat, impie dogmatisare non erubescunt. Hæc fuit hæresis Pelagiana, quæ, quamvis ab Ecclesia sit condemnata,—in quorundam tamen cordibus quædam reliquiae ex ea serpere reperiuntur.—P. 99: Hinc in exterioribus observantiis et cæremoniis rigor intolerabilis exhibetur, et circa deficientes fratres benignitas caritatis negligitur. Motus appetitus sui infatigabiliter exequuntur, traditiones hominum magno amore amplectuntur, sed potiora legis præterire reperiuntur. P. 109: Quartum genus errorum est illorum, qui—in hoc desipiunt, quod ad perfectiora opera legis evangelicæ facienda libertatem spiritus secundum interiorem motum fidei non sufficiere contendunt, sed ad hoc obligationem voti necessario requiri, impie dogmatisare non erubescunt; ita ut libertatem evangelicam in servitutem obligatoriam redigentes a pharisaica superstitione non multum distare reperiantur. Hic est error nostri temporis, qui cum Pelagiana hæresi in multis convenire cognoscitur. P. 112 he mentions St. Thomas as the author of this heresy, princeps erroris. P. 114 seq. he proves that voluntas voventis non firmatur in bono ex voto. P. 115: Religiosi possunt a bono virtutis deficere, et facinorosissimi fieri. Quod non est necesse per rationes probabiles adstruere, quia multorum vita nefandissima hoc declarat manifeste, ita ut vulgo dicatur: *quod Monachus audet præsumere, hoc Sathanas erubesceret excogitare.* P. 122: Aeternæ beatitudinis præmium non est aliud, quam summi amoris exercitium. P. 124: Creata voluntas largitatem divinæ bonitatis repletur, et ejus amore inflammata, ad reciprocum amorem assurgit. Unde sicut in ea continua et sine fine duratura erit tanta divinæ bonitatis influentia, sic continua et aeterna erit ejus creatæ voluntatis ad Deum cum pleno amoris refluxua. P. 139: Anima rationalis eodem modo reducitur in Deum, quomodo exit a Deo. Sed per libertatem divinæ voluntatis exit a Deo, ergo per libertatem suæ voluntatis debet reduci in Deum. (cf. Epist. apolog. in *Walch II.*, I. p. 19: Qua de causa Apostolus in omni scriptura et doctrina sua ita laborat ab evangelica libertate mosaicam servitutem excludere? Huc utique, ut omnibus patenter claresceret, neminem posse legem evangelicam nisi per libertatem Spiritus meritorie observare. Nec mirum, quia lex evangelica est lex amoris. Amare autem nemo potest, nisi per voluntatis libertatem.) P. 142: Præcepta evangelica—non ad humanæ voluntatis libertatem onerandam, sed ad ipsam libertatem dirigendam ordinantur.—Sunt enim hæc præcepta lumen divinæ caritatis tenebris humanae ignorantie cœlitus infusum, quo divina voluntatis beneficium, quæ est regula omnis creatæ voluntatis, manifestatur, et ad ejus conformitatem creatæ voluntas dirigitur. To the question, Quare ergo Ecclesia votum fieri ordinavit, et eum tanta solemnitate fieri decrevit, si nihil boni supernaturalis in voluntate voventis efficit? he answers, p. 164: Ecclesia mater est fidelium: in matribus autem plus solet abundare affectus, quam vigore intellectus. Et ideo in quibusdam actibus Ecclesiæ magis attendendus est affectus pietatis, quam lumen discretionis. Unde fit, ut quamvis Ecclesia militans aliquando erret in effectu, eo quod Ecclesia militans fallitur et fallit; non tamen errat in affectu, quia quicquid circa Ecclesiæ filios ordinat ad profectum eorum, procul dubio materno affectu disponere laborat.—P. 167: Votum religionis propter infirmos et instabiles Ecclesia ordinavit, qui ad perfectam legis evangelicæ observantiam sub communione christiana religionis aliter induci non poterant, ut per exteriorem obligationem sub jugo evangelicæ libertatis vivere assuescerent, qui absque obligatione ad hoc non poterant edomari. Cum igitur hæc ita se habeant, valde est a veritate alienum, quod quidam Religiosorum ad tam superstitionem elationem religiones extollunt quod in suam contumeliam status eas perfectionis dicere non erubescant. P. 177: Divina ordinatio et constitutio est sufficientissima ad summam et perfectissimam legis evangelicæ observationem, et non indiget nova in-

still more thorough reformer, John Wessel,¹⁷ (*Lux mundi, Magister contradictionum*) after a long course of constant activity in Cologne, Louvain, Paris and Heidelberg, was allowed to end his days quietly in his native city of Groningen († 1489), notwithstanding that Luther acknowledged the doctrines he taught to be altogether the same as his own.¹⁸

stitutione vel ordinatione. Et ideo positivæ constitutiones Ecclesiæ, ordinationi divinæ superadditæ, non sunt, nisi quædam exteriæ honesta observantia, ordinatæ vel propter majorem reverentiam in suscipiendis vel tractandis sacramentis, ut jejuno stomacho sacramentum eucharistiae percipere,—et similia, quæ nihil faciunt ad sacramenti veritatem, sed ad honorem et dignitatem. P. 180: Qnod illa necessitas coactionis sit per se causa boni productiva, vel quod sit per se bonum meritorium, quemadmodum Thomistæ affirmant, omnino negamus, immo falsum esse, et hæresi Pelagianæ vicinum esse dicimus. — Positiva constitutio Ecclesiæ — non potest se extendere ad interiorem motum voluntatis, in quo est principium merendi, sed solum ad substantiam actus exterioris, qui potest fieri absque auxilio gratiæ secundum facultatem voluntatis. Dieere ergo, quod votum sit causa productiva meriti,—non est aliud dicere, quam quod exteriore actu voluntatis absque auxilio gratiæ potest æternæ beatitudine mereri. — Hæc fuit insania Pelagi hæretici, etc. — P. 199: Vita sacerdotalis, secundum eminentiam status sacerdotalis et dignitatem Ordinis regulata, est vere et simpliciter apostolica, et summa perfectio religionis christiana. P. 207: Ex sacramentorum primaria institutione, et ex divina ordinatione licet omnibus sacerdotibus omnia sacramenta dispensare. — Quod ergo nunc temporis Episcopis licet conferre aliqua, quæ non lieent sacerdotibus,—hoc est vel propter Ecclesiæ consuetudinem vel constitutionem. Multa enim Ordini sacerdotali per consuetudinem vel constitutionem Ecclesiæ sunt ablata, quæ divina constitutione ei sunt collata.

¹⁷ Called also Gansfort, probably from his native village. Two accounts of his life by Albr. Hardenberg and Gerhard Goldenhauer, prefixed to the Opp. Wesseli. Comp. *Effigies et Vita Professorum Academiæ Groningæ et Omlandiae*. Groning. 1654. fol. p. 12 seq. *Guil. Muurling de Wesseli Gansfortii cum vita, tum meritis in præparanda sacrorum emendatione in Belgio septentrionali. Pars prior (containing the life)*. Traj. ad Rhen. 1831. 8vo. Johann Wessel, ein Vorgänger Luthers. Zur Characteristik der christl. Kirche und Theologie in ihrem Uebergang aus dem Mittelalter in die Reformationszeit. By D. C. Ullmann. Hamburg. 1834. 8vo.

¹⁸ Many of his writings are lost (*Hardenberg* in vita Wess. p. 13: quæ in seriniis ipsius reperiebantur ejus manuscripta omnia eo mortuo opera Mendicantium monachorum et quorundam aliorum furore exusta erant). Several of his treatises were sent to Luther from Holland, at first under the title *Farrago Wesseli* (prob. Witteb. 1521.), 4to., after A. D. 1522 several times published in Wittenberg, Basil, and Marburg under the title *Farrago rerum theologicarum uberrima doctiss. Viro Wesselō Groningensi auctore* (comp. Ullmann S. 461 ff.). Luther says, in his preface prefixed to the later editions: Prodiit en Wesselus (quem Basiliū dicunt) Phrisius Groningen. vir admirabilis ingenii, rari et magni spiritus, quem et ipsi appareat esse vere Theodidactum, quales prophetavit fore Christianos Jesaias, neque enim ex hominibus accepisse judicari potest, sicut nec ego. Hic si mihi anteā fuisset lectus, poterat hostibus meis videri Lutherus omnia ex Wessello hausisse, adeo spiritus utriusque concordat. The entire ed. of *M. Wesseli Gansfortii Opera*, quæ inveniri potuerunt omnia (ed. Petrus Pappus a Tratzberg) Groning. 1614. 4to. contains besides the farrago five treatises and a collection of letters. Wessel's Theologie, see Ullmann S. 187 ff. His doctrine of justification: *De magnitudine passionis* c. 45 (Opp. p. 550): *Arbitramur hominem justificari per fidem Jesu Christi absque operibus* (*Rom. iii. 28*), et *fides sine operibus emortua est* (*Jac. ii. 27*): diversum dicunt Apostolus Paulus et Jacobus, verum non adversum. Communis utriusque sententia est, justum ex fide vivere, fide, inquam, per dilectionem operante. Cap. 46, p. 553: Qui per opera sua justificari putat, non novit, quid sit justus. Justus est, qui unicuique quod suum est tribuit. Sed quis homo unquam absolvit, ut Deo esset qualis esse debet, omni homini sit qualis esse debet? Nescit quod sit suum debitum, nescit

From all this it is evident, that however the views taken of the

etiam quanta sit futurorum bonorum exspectatio, quam nullis operibus æquare potest: neque solum hac ignorantia errat, sed et sacrilegi (reus est), gloriam justificationis non Deo, sed sibi tribuens. Qui vero Evangelium audiens credit, desiderat, sperat, confidit ut læta nuntia, præterea amat evangelisatum justificantem et beatificantem, quantalibet pro consequendo faciat et patiatur; non sua opera, non se operantem extollit, sed extensus totus et propensus in eum quem amat, a quo credit, cupit, sperat, confidit, justificatur, nihil sibi ipsi tribuit, qui scit nihil habere ex se. Cap. 47, p. 554: Præcepit igitur lex perfectionem, sed nihil adduxit ad perfectum. Sed quid? Num Evangelium duxit ad perfectum? Utique. Quem igitur? Omnem credentem, quoniam omni credenti Christus finis legis est ad justitiam, et fructus, quoniam ipse est, qui dat potestatem filios Dei fieri his qui credunt in nomine ejus. Credendo verbo adhærent Verbo. Verbum Deus est. Credendo igitur Deo adhærent: et adhærente Deo bonum est, quia qui adhæret Deo, unus cum eo spiritus fit, cum justo justus, cum sancto sanctus. — *Quæ sit vera communio Sanctorum?* Opp. p. 809: Vera essentiali unitate communicant Sancti omnes, quotquot una fide, una spe, una charitate Christo cohærent, sub quibuscumque Prælatis, quantumlibet ambitiose contendentibus, aut dissidentibus, aut errantibus, etiam hæreticis Prælatis degant. — Et hæc est illa sanctorum communio, de qua in Symbolo: *credo Sanctorum communionem.* — Constat, quod valde possibile, Græcum vera pietate affectum omnia credere in Constantinopoli sub suo Patriarcha schismatico quæ Latinus Romæ credit: quid illi nocet suorum hæretica pravitas? Unitas ergo Ecclesiæ sub uno Papa tantum accidentalis est, adeo ut non sit necessaria, licet conferens multum in Sanctorum communione. Of the power of the church and its relation to the Scriptures, De potestate Ecclesiastica, Opp. p. 753: Pastor gregem Domini pascere positus est. Verum quia grex pascendus rationis et liberi arbitrii est, non prorsus in potestate pastoris traditus est, ut nihil ab eo exigatur, nisi pastori obediens. Debet enim ovis ipse dinosse quibus pascatur, quibus inficiatur, et quomodo cumque, oblatam etiam a pastore ipso, vitare pestiferam infectionem. Et in hoc si sequatur pastorem, non excusat. Debet ergo populus pastores ad pascua sequi. Quando vero non pascit, pastor non est: neque tunc, velut inofficio, grex ei parere tenetur. P. 769: Nemo magis Ecclesiam destruit, quam corruptus Clerus. Destruentibus Ecclesiam omnes Christiani tenentur resistere, usque etiam ad ultimos, puta rusticos juxta illud, 2 Thess. iii. 6. Sancta quippe rusticitas quantum Ecclesiam Dei adificat vitæ merito, tantum nocet, si destruentibus eam non resistit. P. 759: Propter Deum Evangelio credimus, et propter Evangelium Ecclesiæ et Papæ, non Evangelio propter Ecclesiam. Unde quod Augustinus (contra Epist. Manichæi, c. 6: *ego vero Evangelio non crederem, nisi me catholice Ecclesiæ commoveret auctoritas*) de Evangelio et Ecclesia dicit, originis de credendo verbum est, non comparationis aut præferentia. Dixit enim Apostolis Dominus Jesus: *Prædicate omni creaturæ, docentes eos servare quæcumque præcepi vobis* (Matth. xxviii. 19, 20). Non igitur audiendi, nisi quantum missi: non missi, nisi cum Evangelio: non evangelisantes, nisi secundum Evangelium. Sed quia verisimilius est, unum aliquem penes Evangelium toti multititudini contradicentem errare, quam totam doctorum virorum Ecclesiam, ideo debet, quicunque ille fuerit, semper suspectum se habere, et formidare de errore. Verum quia scit, non impossibile, multis Doctores errare, debet semper adparentem Evangelii veritatem primo amplecti. Debet igitur sedulo diligenter inquirere veritatem et intelligentiam Evangelii. Debet tertio rationes contradicentium diligenter attendere, et illi parti, quam vicinorem Evangelio invenerit, firmiter adhærente. Ex illo verbo Domini Jesu: *super cathedram Mosis sederunt scribæ et Pharisæi: omnia ergo, quæ dixerint vobis servare, servate et facite* (Matth. xxiii. 2, 3), multi Prælatorum Ecclesiæ trahunt erroneam et falsam intelligentiam. Putant enim ex hoc verbo datum eis authenticam potestatem, ut obligare possint auditorem ad servandum et faciendum quæ dicunt. — Oportet tam Prælatorum quam Doctorum præcepta sic servare et facere, quemadmodum Paulus (1 Thess. v. 21; see p. 756) monuit, hoc est, quam diu in cathedra Mosis sedentes secundum Mosen dicunt. Et si quid extra vel contra, non magnopere ligat fideles contra legem perfectæ libertatis. Dei enim servi sumus, non Papæ: cui utique serviremus, si ad omnia ejus qualiacunque obligaremur. Dictum est autem: *Dominum Deum tuum adorabis, et illi soli*

abuses in the church may have differed, the feeling of the necessity

servies (Matth. iv. 10). P. 748 : Papa tenetur credere et obligatur cum omnibus obligatis fidelibus. Et quando credit sicut obligatur, tunc fideles obligantur credere quod ipse credit : non quia ipse credit, sed quia credit quod credere debet. Et si alius melius eo crediderit quod credere debet, ipse Papa debet eum illo credere quounque, etiam laico et muliere. — Unde concluditur, quod licet verisimiliter præsumendum sit, summum Pontificem et Praelatos tanto rectius ad veritatem Evangelii incedere, quanto ceteris aliis altius in sublime dignitatem evecti sunt, et ita, ceteris paribus, potius illis, quam alicui subditorum credendum : non tamen simpliciter subditos obligatos ad credendum illis. Hoc nempe adeo irrationaliter est et blasphemiae plenum, ut etiam quacunque haeresi pestilentius inveniatur. Potest nempe Praelatus errare. — Summorum enim Pontificum plerique pestilenter erraverunt, ut novissimis diebus nostris in Constantia, celebri Concilio claruit, Benedictus, Bonifacius, et Johannes XXII. quam graviter fidem lacerarint. Et nostris postremis diebus Pius II. et Sixtus IV., quorum alter patentibus bullis regna terrarum sibi vendicavit, alter turpissimas dispensationes, non solum de praestito in causa civili juramento, sed etiam de praestando — enisit in abusu potestatis Apostolicae ; quicquid F. Petrus vel Comes Hieronymus inolenter aut avare gesserunt, ipse postea cum rescripsit ratificavit, etiam bullis plumbatis. De sacramento pœnitentiae, p. 779 : Contra communem opinionem de monarchia Romani Pontifici, est, quod impossibile homini est fines orbis terra nosse, qui nullo unquam cosmographo omnes comprehensi sunt. Quomodo igitur judicabit, quos nosse non poterit ? Quomodo judicabit fidem, quorum linguam ignorat ? Unitatem igitur Ecclesiæ sibi Spiritus Sanctus fovendam, vivificantam, conservandam retinuit et angendam, non Romano Pontifici, sœpe non curanti, reliquit. Of the supper : De sacram. Eucharistiae, c. 24. p. 696 seq. Ubicunque nomen ejus benedictum, — vere illic ipse est non solum divinitate præsens et benevolentia, sed etiam corporaliter præsens. — Non hic dico, datum cuiilibet homini Christiano, ut possit, cum velit, sacramentaliter per Eucharistiam habere præsentem : hoc enim solis datum est sacerdotibus. Sec hoc dico, vere præsentem commemoranti nomen ejus, vere præsentem Dominum Jesum non sola deitate sua, sed et carne sua et sanguine, et humanitate tota. Quis enim dubitat, corporaliter sœpe præsentem Dominum Jesum suis fidelibus in eorum agonibus, non propter hoc dimiso in cœlestibus consessu ad dexteram Patris ? Quis dubitabit, ita posse hoc simul tempore fieri extra Eucharistiam, sieut in Eucharistia ? Cap. 28. p. 703 : Sic participare corpori et sanguini, hoc manducare est magis, quam si decies millies Eucharistiam ad altare de manu sacerdotis arido corde, frigida voluntate, licet etiam in statu salutis, capiamus. Cap. 8. p. 763 : Corpus autem et sanguis Domini Jesu quantumlibet sancta sint, corpora tamen sunt, non spiritus. Unde si corporaliter tantum sumantur, non solum non spiritualiter reficiant manducantem, sed occident. — Unde Dominus (Jo. vi. 63) : *Spiritus est, qui vivificat, caro non prodit quidquam*, h. e. parum est de carne quantumlibet sancta, sed operis magnitudo, et ineffabilis dilectio, et charitas offertis per Spiritum Sanctum, illa est quæ vivificat. Cap. 10. p. 678 : Valde notandum verbum Domini (Jo. vi. 53) : *nisi manducaveritis, non habebitis vitam in vobis*. Habent autem vitam veram, qui credunt in eum. Ergo qui credunt in eum, hi sunt, qui manducant carnem ejus. — Manducabat ergo Paulus primus Eremita etiam temporibus illis, quibus mortalem nullum, ne dicam sacerdotem communiantem, videbat. Sed manducabat, quia credebat ; et quod credebat, crebro commemorabat, etc. Of penance : De Sacram. pœnitentiae, p. 789 : Dicunt communiter, ad integratatem Sacramenti pœnitentiae tria concurrent, contritionem, confessionem, satisfactionem. Sed hi, si intelligerent vim verbi in Psalmo (li. 18) : *Cor contritum et humiliatum Deus non despicies*, non tam importune instarent. Quid enim est cor contritum, nisi cor ad minima communia et contracta duritie obdurata mentis humiliatum cor ? — Si ergo, qui cor durum conterit et abjicit, cor pius et spontaneum Deo non despiciendum offert, profecto jam humiliato corde justus, et iam Deo satisfactum in remissionem peccatorum. Non ergo prima contritio, neque postrema satisfactio ad Sacramentum pœnitentiae vivificantis et justificantis ex morte ad vitam necessariae sunt, licet sine vera contritione, etc. sicut nec sine vera humilitate vita Spiritus vel reddit, vel conservatur. Participatio sacramentorum est opus gratiae, non justitiae. — Pœnitentia, si sacramentum est, contritione non eget, quia contritio justitiae opus est, et ita contritus ante sacramentum

justus. — Infusæ jam gratiæ opus est contritio, detestatio videlicet peccati, opus meræ justitiæ: non ergo pars sacramenti pœnitentiæ, quia sacramentum pœnitentiæ præcedit, et operatur justificationem. P. 791: Neque dolor, neque tristitia, neque contritio in oculis Dei accepta sunt magis, quam amor, ex quo procedunt. P. 777: Nullus confitetur, nisi memor. Nullus inmemor, nisi justificatus ad vitam. — Patet ergo, quod antequam quis confiteatur peccatum suum, jam a reatu sua prævaricationis, quo æterna sibi supplicia debebantur, per gratiam internæ compunctionis absolvitur. P. 795: Confessio sacramentalis ex forma sua non est judicialis, ita ut, si non adsit judicium — confessoris, non sit actus confitentis et absolvientis vere verum sacramentum. Sufficit enim ad veritatem efficacis sacramenti, ut confitens vere et fideliter dicat, confessor post acceptam illius confessionem absque judiciali discussione absolvat. Quia sicut pœnitentis confessione levat pœnitentem Deus, et non peccator; ita sacerdotis absolutione dimittit Deus, et non confessio. Hi ministerium exhibent, sed mysterium operatur Deus. — De confitente et confessione solum judicat Deus, nihil de confessis peccatis. Quomodo enim judicare creditur confessio, qui confitenti promisit omnia retroacta per solam confessionem condonare? Stulte ergo faciunt, qui post confessionem non solum judicant, sed etiam post absolutionem terrores fiunt, flagris feriunt, virgis percutiunt. P. 796: Valde irrationabiliter de Sacramento confessionis loquuntur, qui adjunctam satisfactionem adserunt essentialiæ partem pœnitentiæ. Primo, quia detractant sacramentali sufficientiæ, qui non putant, Principis donationem sufficere ad remissionem. Secundo, falsificant verbum absolutionis, quia, cum dicunt absolvo, postea ligant, et innodatum dimittunt. Sed quod omnium gravius est, universum sacramentum periclitant, quia protrahunt usque in peractam totaliter pœnitentiam injunctam. Unde si fragilis ille iterum tempore medio labatur durante sacramento propter obicem positum in parte sacramenti, totum sacramentum facit nullum fuisse. Quæ enim essentialiter unum constituent, unius nullitate omnia fiunt nulla. Of indulgences: Epist. ad Jac. Hoech de indulgentiis, p. 778: A puero ridiculum et indignum semper mihi visum credere, aliquem hominem in suo decreto posse facere, quo bonum in oculis Dei ut quatuor, fieret bonum ut octo. — Num tibi leves aut futile cause videntur, quibus ab hac nova indulgentiarum adsertione Patres ante Albertum ac Thomam, ut ipsi scripto testantur, discesserunt, asserentes, nihil esse nisi piam fraudem, ac dolum non malum, quo plebs officioso errore trahatur ad pietatem? De Sacram. pœnitentiæ, p. 773: Pari passu auctoritatis seu potestatis clavum ambulant indulgentiæ et excommunicatio, neque plus potest Papa in reconciliandis Deo animabus, quam possit alienandis. Sed in excommunicandis nihil potest, nisi performum ecclesiasticum foris ad oculum separare, et destituere etiam corpora mortuorum ecclesiastica sepultura: similiter in indulgentiis a vinculo Canonum et censuris liberare. Deo autem præter simplicem usum aut abusum fidei, spei et charitatis nihil est quod conciliare posset. Non enim reconciliatus Deo per gratiam sacramentalem et caritatem plus ei reconciliatur arbitrio aut aestimatione Papæ, aut excommunicatione Papæ magis alienatur a Deo. Non enim licet excommunicare, si magis alienaret a Deo. Non enim licet ei facere magis peccatores, etc. Fidelis et prudens in domo Domini sui servus nihil facit præter et extra voluntatem Domini sui: et quidquid facit in domo Domini sui, Dominus ratum et firmum habet. — Nec ad hoc eum Ordinis dignitas authenticat, sed charitas per Spiritum Sanctum diffusa in corde. — Immo nec sexus femineus obstat, quin si fidelis et prudens charitatem habeat diffusam in corde suo, possit et ipse conformiter sentire, judicare, favere, diffinire divino iudicio. Of purgatory: De purgatorio, p. 829: Purgatorium ignis est, qui interioris hominis sordes etiam carne soluti comitantes purgat potius, quam torquet. — Has maculas intellectualis disciplinæ ignis secundum Apostolum (1 Cor. iii. 11 seq.) probat, — et lignum, fœnum, stipulam exurit, donec super unicum, verum, solum et solidum fundamentum, Jesum Christum, nihil remanet superadificatum, nisi argentum, aurum, lapides pretiosi. P. 834: Sunt igitur (defuncti) in tali statu, quem si sciremus gauderemus. In statu igitur non misero, non sub virga lictoris, aut in igne præparato Diabolo et angelis ejus, sed sub disciplina Patris instituentis, et eorum quotidiano profectu gaudentis. P. 846. Thesis 33: Quod Christi Evangelium est solum, verum, præcipuum purgatorium, licet etiam alia minus principaliter possint rationabiliter tolerari. 34. Quod idem ergo verum purgatorium est paradisus, sed amanti tanto amarior, quanto magis ipse purgator divino amore flagrabit. 35. Hunc flagrantis animæ ardorem et amaritudinem ego puto verum, postremum et perfectissimum purgatorium.

of a reform was very general.¹⁹ It is not surprising that the wish should often have ripened into a hope, and this into confident expectation, and this again have expressed itself in prophecy.²⁰

¹⁹ See § 135, notes 27 and 28. *Guilielmus Badæus de asse et partibus ejus.* (Paris, 1514, fol.) inveighs, fol. 146 seq., most bitterly against the corruption of the clergy and the Pope. fol. 150 b.: *Quid vinea Domini, nonne ita degeneravit in labruscas, ut primo quoque tempore repastinanda videatur, et ex situ et carie negligenter pastino quodam restituenta censuræ?* Certe manum poscit et flagitat soleritis et industrii vinitoris, qui palmites fructuarios et munifices a pampinariis internoscat, etc. Fol. 152: *Status civitatis orthodoxæ e sede severitatis et disciplina convulsus manum quandam Paoniam poscit, ut apte et placide in eam reponatur, et luxata Ecclesiæ membra in artus suos redeant.* Sie fiet, ut principes Ecclesiæ non auro obryzo, non argentea supellectili, non opinis obventionibus et numerosis titulis opum stuarum magnitudinem metiantur, quæ gazas Regum provocare, non divitias priscorum antistitum æmulari videntur: sed bonis internis, sed copia doctrinæ, sed iis animæ Christo desponsæ dotibus, quæ in cordis seriniolis tanquam in gazophylaciis mystici fani conduntur.

²⁰ *Melanthon in Apologia Conf. Aug. XIII. de votis Monasticis* (ed. Rechenberg, p. 276): *Apud nos in oppido Thuringiae Isenaco Franciscanus quidam fuit ante annos triginta, Johannes Hilten, qui a suo sodalito conjectus est in carcерem propterea, quod quosdam notissimos abusus reprehenderat.* Vidimus enim ejus scripta, ex quibus satis intelligi potest, quale fuerit ipsius doctrinæ genus. — Is multa prædictis, quæ partim evenererunt haec tenus, partim jam videntur impendere. (His work *Comm. in Apocalypsin et textum Danielis*, quantum concordat cum *Apocalypsi*, vel eam supplet, from which there are some extracts in *Melch. Adami* vita Theologorum, p. 2 seq., showing at once what direction he took. He reckoned the end of the world in A. D. 1651). — Sed postremo, cum vel propter ætatem, vel propter squalorem careeris in morbum incidisset, accersivit ad se Guardianum, ut suam valetudinem illi indicaret, cumque Guardianus accusens odio Pharisaeo duriter objurgare hominem propter doctrinæ genus, quod videbatur officere culinæ, cœpisset, tum iste omissa jam mentione valetudinis ingemiscens inquit, se has injurias æquo animo propter Christum tolerare, cum quidem nihil seripsisset aut docuisse, quod labefactare statum Monachorum posset, tantum notos quosdam abusus reprehendisset. *Sed alius quidem*, inquit, *veniet anno Dom. MDXVI., qui destruet vos, nec poteritis ei resistere.* Hanc ipsam sententiam de inclinazione regni Monachorum, et hunc annorum numerum postea etiam repererunt ejus amici perscriptum ab ipso in commentariis suis inter annotationes, quas reliquerat in certos locos Danielis. It was related of Andreas Proles, Prior of the convent Himmelspforte near Wernigerode, and Provincial of the Augustines († 1503), by an old monk in the convent, in a conversation with Flacius (see Catal. test. verit. ed. Francof. 1666. p. 849): *Ab ipso saepè audivi inter prælegendum hæc verba: Auditis, fratres, testimonium scripturæ sanctæ, quod gratia sumus quicquid sumus, et gratia habemus quicquid habemus.* *Unde igitur tantæ tenebræ, et horrendæ superstitiones?* *O fratres, res Christiana opus habet fortis et magna reformatione, quam quidem jam prope instare video.* Quærentibus fratibus, quare ipse non inciperet reformationem, ac erroribus sese opponeret, respondebat: *Videlis, fratres, me esse etate grandærum, corpore et viribus debilem, et agnosco, me non esse præditum tanta doctrina, industria et eloquentia, quantam hæc res postulat.* *Sed excitabit Dominus heroem etate, viribus, industria, doctrina, ingenio et eloquentia præstantem, qui reformationem incipiet, erroribus que sese opponet: ei Deus animum dabit, ut Magnatibus contradicere ausit; et ipsius ministerium salutare Dei beneficio comperietis.* Solitus est etiam saepè dicere inter prælegendum: *Regnum Papæ magnam minatur ruinam, quia nimis alte et nimis cito crevit.* Luther also relates of Proles in the work “Von den neuen Eckischen Bullen und Lügen,” Tom. I. Jenens. f. 359, that seeing a portrait of D. John Zacharia, in which he was decorated with a rose in token of his services in bringing about the condemnation of Huss, he said, “Ah! I should not wish to carry a rose that had such thorns.” Compare the Leben des Andreas Proles, eines Zeugen der Wahrheit vor Luther, beschrieben von M. Gottfr. Schütze. Leipzig, 1744. 8vo.

§ 153.

EFFECTS OF THE REVIVAL OF LETTERS.

The reviving study of ancient literature now furnished means for the due investigation of the state of the church, which the Scholastics had been wholly without.¹ As early as the 14th century the attention of literary men had been directed to the works of the old Roman poets by Dante and Petrarch, and Boccacio had recommended the study of the Greeks; but these studies were first established on a permanent basis by the labors of John of Ravenna, teacher of Latin in Padua and Florence († before 1420), and Emanuel Chrysoloras, teacher of Greek at Florence and Pavia († 1415). The fall of Constantinople and the extinction of the Greek empire compelled many of the learned men of that nation to seek a refuge in Italy (from 1420 – 1430: George of Trapezuntum † 1484, John Argyropulus † 1486, Theodorus of Gaza † 1478: during the Council of Florence 1438: Bessarion † 1472, George Gemistius Pletho, who in 1441 returned to Greece: after the fall of Constantinople 1453: Emanuel Moschopulus, Constantine Laskaris, Demetrius Chalkondylas). Their partiality to the literature of their native land aroused the emulation of the Italians, and there appeared about this time a number of learned men in Italy, distinguished by their knowledge both of Latin and Greek literature: Gaspar † 1431, John Aurispa † 1459, Guarinus † 1460, Leonardus Brunus Aretinus † 1444, Pogginius † 1459, Francis Philadelphus † 1481, Laurentius Valla † 1456, Nicholas Perottus † 1480, Christopher Landinus † 1504, Philip Beroaldus the older † 1504, Hermolaus Barbarus † 1493, Angelus Politianus † 1494. Many of the Italian princes made it their pride to patronize the liberal arts, especially the Medici at Florence, (Cosmo from 1429 – 1464, and Lorenzo from 1469 – 1492), Alphonso V. king of Arragon and Naples from 1442 – 1458, and Pope Nicholas V. from 1447 – 1455, and thus in the course of the 15th century these studies were held in high repute, and had been carried very far.

The great benefit supposed to be derived from the study of the ancients was the cultivation of the taste, and in pursuing this it was not heeded how great must be the influence of this often extravagant love of the ancients in weakening men's attachment to the church; nor, on the other hand, what means as well as excitement were thus furnished to perilous investigations of the prevailing doctrines and

¹ E. Meiners Lebensbeschreibungen berühmter Männer aus den Zeiten der Wiederherstellung der Wissenschaften. 3 Bände. Zürich 1795 – 97. 8vo. A. H. L. Heeren Gesch. der classischen Literatur im Mittelalter. 2 Theile (new ed. in his historical works, Th. 4 u. 5. Göttingen, 1822). Th. 1. S. 316 ff. D. H. A. Erhard Gesch. des Wiederaufblühens wissenschaftl. Bildung, vornehmlich in Deutschland bis zum Anfange der Reform. 3 Bde. Magdeburg, 1827 – 32. 8vo.

views. The Italian Humanists* avoided carefully the appearance of any bearing of the studies in which they were engaged on Theology, except in the case of Laurentius Valla,² who († 1456) showed by several examples the dangerous influence which these antiquarian investigations might have on the received opinions. The New-Platonists, formed in the school which Cosmo de Medici had founded in Florence A. D. 1440, under the guidance of Gemistus Pletho,³ adopted a kind of Syncretism, in which was mingled the most various superstitions, though for the most part adhering to the system of the church;⁴ on which, however, by its independence, and its internal life, it could not fail to exert some influence.⁵ Opposed to them, on the other

* [Those who founded all progress on the study of the ancient languages were called Humanists. See Conversations Lexicon. Tr.]

² Of whom see *Tiraboschi storia della letteratura italiani* VI. II. p. 301 seq. Heeren Th. 2. S. 243 ff. He relates himself how he was denounced by the clergy on account of certain philosophical writings, in which he had defended the doctrines of Epicurus, and said some things that were deemed objectionable concerning the freedom of the will. He then shows that the supposed correspondence between Christ and Abgarus was not genuine; and that the usual account of the origin of the Apostles' Creed was not true. His most important work is *De ementita Constantini donatione declinatio ad Papam*. — Opera. Basil. 1543. fol.

³ K. Sieveking *Gesch. d. platon. Academie zu Florenz*. Göttingen, 1812. Heeren Th. 2. S. 41.

⁴ Tennenmann's *Gesch. der Philosophie*, Bd. 9. S. 133 ff. The most distinguished was Marsilius Ficinus, teacher of the academy in Florence († 1499, see *J. G. Schelhorn de vita, moribus et scriptis Mars. Fie. in his Amoenitatt. liter. I.* p. 37), and John Picus, count of Mirandula († 1494, see his life by his nephew *Jo. Franc. Picus*, prefixed to their Opp. Basil, 1573 and 1601. 2 Bde. fol. Meiners *Lebensbeschreibungen*. Bd. 2. S. 3 ff.). *Jo. Picus* at first included the Jewish Cabbala in this Syncretism; he says of those writings *Apologia* Opp. I. p. 82: *Hos ego libros non medioeri impensa mili cum comparassem summa diligentia, indefessi laboribus cum perlegisset, vidi in illis (testis est Deus) religionem non tam Mosaicam, quam Christianam; ibi Trinitatis mysterium, ibi verbi incarnatione, ibi Messiae divinitas, ibi de peccato originali, de illius per Christum expiatione, de cœlesti Hierusalem, de casu Daemonum, de ordinibus Angelorum, de purgatoriis, de inferorum penitentiis eadem legi, quæ apud Paulum et Dionysium, apud Hieronymum et Augustinum quotidie legimus. In his vero, quæ spectant ad philosophiam, Pythagoram prorsus audias et Platoneam, quorum decretâ ita sunt fidei Christianæ affinia, ut Augustinus noster immensas Deo gratias agat, quod ad ejus manus pervenerint libri Platonicorum.*

⁵ This was seen especially in the 900 Theses, which *John Picus*, then only 24 years old, sent every where in A. D. 1486, that they might be publicly discussed at Rome. The impression produced in Rome by this measure he himself describes in his *Apologia* Opp. I. p. 76: *Aliqui philosophiam et literas omnino carperet, illud etiam (ut viderentur scioli) quandoque addentes, ejectum Adam de Paradiso, quod per scientiam boni et mali æqualem se Diis facere voluit: exterminandos pari exemplo de Christi curia, qui volunt sapere plus quam oportet. — Ex his autem, qui sapientiam, i. e. theologiae studium, profitebantur, quidam fuere, qui conviciis forte levioribus non contenti, non jam audacem me, non temerarium, non gloriosum, sed magum, sed impium, sed novum in Christi Ecclesia hæresiacam prædicarent. The following 13 Theses were rejected, Opp. I. p. 42: I. Christus non veraciter, et quantum ad realem præsentiam descendit ad inferos, ut ponit Thomas et communis via, sed solum quoad effectum. II. Peccato mortali finiti temporis non debetur pena infinita secundum tempus, sed finita tantum. III. Nec crux Christi, nec ulla imago adoranda est adoratione latræ, etiam eo modo, quo ponit Thomas. IV. Non assentior communi sententiæ theologorum dicentium, posse Deum quamlibet naturam suppositare, sed de rationali tantum hoc concedo.*

hand, were those who adopted the system of Aristotle,⁶ and who were thereby led to a dangerous spirit of skepticism.⁷ This spirit, fed by a partial and imperfect criticism, and a contempt for every thing but philology, soon spread to many of the Italian Humanists, leading them in some instances to question the most universally acknowledged truths,⁸ though they at the time kept up scrupulously their

V. Nulla est scientia, quæ nos magis certificet de divinitate Christi, quam Magia et Cabala. VI. Si teneatur communis via de possibilitate suppositionis in respectu ad quacumque creaturam, dico, quod sine conversione panis in corpus Christi, vel paneiatis annihilatione potest fieri, ut in altari sit corpus Christi secundum veritatem saeramenti Eucharistiae: quod sit dictum loquendo de possibili, non de sic esse. VII. Rationabilius est credere Originem esse salvum, quam credere ipsum esse damnatum. VIII. Dico probabiliter, et nisi esset communis modus dicendi theologorum in oppositum, firmiter asserem: assero tamen hoc dictum in se esse probabile, et est quod, sicut nullus opinatur aliquid ita esse præcise, quia vult sic opinari, ita nullus credit aliquid esse verum præcise, quia vult credere id esse verum. IX. Qui dixerit, accidens existere non posse, nisi inexistent, Eucharistiae poterit sacramentum tenere, etiam tenendo, panis substantiam non remanere, ut tenet communis via. X. Illa verba, "Hoc est corpus," etc., quæ in consecratione dicuntur, materialiter tenentur, non significative. XI. Mira-cula Christi non ratione rei facta, sed ratione modi faciendi, sua divinitatis argumentum certissimum sunt. XII. Magis improprie dicitur de Deo, quod sit intellectus vel intelligens, quam de anima rationali, quod sit Angelus. XIII. Nihil intelligit actu et distinete anima, nisi se ipsam.

⁶ See the controversy on the comparative excellence of Plato and Aristotle in Tennemann, Bd. 9. S. 54 ff.; S. 63 ff.

⁷ Which may be seen in the example of *Petrus Pomponatius*, teacher of philosophy in Padua and Bologna, † 1526. In his works *De immortalitate animæ*, *De fato, libero arbitrio, prædestinatione et providentia*, he calls the immortality of the soul, the eternity of the world, and of Providence, philosophical problems; always taking care to add, however, that he submits to the creed of the church. See Tennemann, Bd. 9. S. 64 ff.

⁸ *Marsilius Facinus* in præf. ad Plotinum: Nos ergo in theologis superioribus apud Platonem et Plotinum traducendis et explanandis elaboravimus, ut hac theologia in lucem prodeunte et poeta desinant gesta mysteria pietatis impie fabulis suis annumerare, et Peripatetici quam plurimi, id est philosophi pene omnes, ammoneantur, non esse de religione saltem communii tanquam de anilibus fabulis sentiendum. Totus enim ferme terrarum orbis a Peripateticis occupatus in duas plurimum sectas divisus est, Alexandrinam et Averroicam. Illi quidem, intellectum nostrum esse mortale existimant, hi vero unicum esse contendunt. Utrique religionem omnem funditus æque tollunt, præsertim quia divinam circa homines providentiam negare videntur, et utrobique a suo etiam Aristotele defecisse, enjus mentem hodie pauci — ea pietate, qua Theophrastus olim et Themistius — interpretantur. Si quis autem putet, tam divulgatam impietatem, tamque aeribus munitam ingenii, sola quadam simplici prædicatione fidei apud homines posse deleri, is a vero longius aberrare palam re ipsa procul dubio convincetur. Majore admodum hic opus est potestate, id autem est vel divinis miraculis ubique patentiibus, vel saltem philosophica quadam religione, philosophis eam libentibus audituris quandoque persuasura. These two errors were so general that the Council of the Lateran, A. D. 1513, considered it expedient expressly to declare against them, see Sess. VIII. (Conc. ed. Lubbei et Cossartii XIV. p. 157): Cum diebus nostris, quod dolenter referimus, zizaniæ seminator, antiquus humani generis hostis, non nullos pernicio-sissimos errores a fidelibus semper explosos in agro Domini super-seminare et angere sit ausus, de natura præsertim animæ rationalis, quod videlicet mortal is sit, aut unica in cunctis hominibus; et nonnulli temere philosophantes, secundum saltem philosophiam verum id esse, asseverent: contra hujusmodi pestem opportuna remedia adhibere cupientes, hoc sacro approbante Concilio damnamus et reprobamus omnes asserentes animam intellectivam mortalem esse, aut

external adherence to the church. They ventured no farther than to attack the scholastic philosophy, which was in fact the chief prop of the church, ridiculing its barbarous epithets,⁹ and its mistaken rever-

unicam in eunctis hominibus, et hæc in dubium vertentes. — Cumque verum vero minime contradicat, omnem assertionem veritati illuminatæ fidei contrariam omnino falsam esse definitimus, et ut aliter dogmatizare non licet, districtius inhibemus; omnesque hujusmodi erroris assertionibus inhærentes — ut detestabiles et abominabiles haereticos et infideles vitando et puniendo fore decernimus. Insuper omnibus et singulis philosophis in universitatibus studiorum generalium — districte præcipiendo mandamus, ut cum philosophorum principia aut conclusiones, in quibus a recta fide deviare noscuntur, auditoribus suis legerint seu explanaverint, quale hoc est de animæ mortalitate aut unitate, et mundi æternitate, ac alia hujusmodi, teneantur eisdem veritatem religionis Christianæ omni conatu manifestam facere, et persuadendo pro posse docere, ac omni studio hujusmodi philosophorum argumenta, cum omnia solubilia existant, pro viribus excludere atque resolvere. See too what was said in Italy of the Popes, in *Jo. Fr. Pici de fide et ordine credendi theorema IV.* Opp. II. p. 177: alium meminiimus Pontificem creditum et ordinatum, quem tamen præstantes viri putarent, nec Pontificem eum esse, nec esse posse, utpote qui nullum Deum credens omnem infidelitatis culmen excederet; pessimaque ejus opera in co[m]endo Pontificatu, in omnigenis secleribus exercendis id ipsum testabantur, sed et pessima quoque dicta confirmabant. Namque fassum eum affirmabatur domesticis quibusdam, nullum se Deum aliquando, etiam duni pontificiam sedem teneret, credidisse: et alium audivi Pontificem summum, qui vivens familiari cuidam aperuerat, apud se animarum immortalitatem minime creditam, mortuus vero eidem per vigiliam apparuit divino iudicio manifestans, se, quam mortalem crediderat animam, immortalem tum maximo cum danno et perpetuis cum ignibus experiri. So too in his vita Savonarole in *Batesius*, p. 112; see § 152, note 5. What Leo X. is reported to have said to his private secretary, Peter Bembo, would not therefore be without precedent (*Mornæi* hist. Papatus, Salinur. 1611. p. 820): Quantum nobis nostrisque ea de Christo fabula profuerit, satis est omnibus sæculis notum. *Erasmi* responsio nervosa ad Albertum Pium, Principem Carpentsem, in v. d. Hardt hist. lit. Reform. I. p. 173: Qui divina derideant, facilius invenies in Italia apud tui ordinis homines, atque adeo in illa laudatissima Roma, quam apud nos. *Idem* lib. XXVI. ep. 34. ad Augustinum Eugubinum (Opp. ed. Cleric. III. II. p. 1382): At ego Romæ his auribus audivi quosdam abominandis blasphemias debacchantes in Christum, et in illius Apostolos, idque multis mecum audiencentibus, et quidem impune. Ibidem multos novi, qui commemorabant, se dicta horrenda audisse a quibusdam sacerdotibus aulæ Pontificie ministris, idque in ipsa Missa, tam clare, ut ea vox ad multorum aures pervenerit. Id. ad Guelfgangum Fabricium Capitonem (l. c. III. I. p. 189): Omnia mihi pollicentur, rem (bonarum literarum) felicissime successuram: unus adhuc scrupulus habet animum meum, ne sub obtenu priscae literaturæ renascentis caput erigere conetur Paganismus, ut sunt et inter Christianos, qui titulo pene duntaxat Christum agnoscunt, ceterum intus gentilitatem spirant: aut ne renascentibus Hebræorum literis Judaismus meditetur per occasionem reviviscere, qua peste nihil adversus, nihilque infensius inventuri potest doctrinæ Christi. Sic enim fert natura rerum humanarum, ut nullius unquam boni tanta fuerit felicitas, quin hujus prætextu mali quippiam simul conaretur irrepere. Compare Henke in *Villers* Versuch über den Geist und den Einfluss der Reformat. Luthers übers. v. Cramer. 2te Aufl. Hamb. 1828. Abthl. 2. S. 60 ff.

⁹ *Harmolaus Barbarus* Ep. ad Jo. Picum Mirandulæ (in *Angeli Politiani* Epistt. lib. IX. Ep. 3) expresses the common notion of the Humanists on the subject: Neque enim inter auctores latiniæ lingua numero Germanos istos et Teutonas (i. e. barbarians), qui ne viventes quidem vivebant, nedum ut extincti vivant, aut si vivunt, vivunt in paenam et contumeliam. Appellantur enim vulgo sordidi, rudes, inculti, barbari. Quis malit sic esse, quam prorsus non esse? Atenim utile aliquid dixerunt, valuere ingenio, doctrina, bonarum rerum copia: non nego penitus, quod et possim negare: sed sermo nitidus et elegans, saltem purus et castus, qualis vel in auctoribus christianis græcis latinisque perspicitur, laudem et memoriam semipiternam scriptoribus conciliat. nisi quis pictorem, et excusorem, et statuarium, et

ence of Aristotle. Paulus Cortesius, a secretary of the Pope, was the first who attempted to present the Catholic system of faith in a classic dress,¹⁰ but succeeded only in showing that the servile imitation of the ancients might lead as easily to offences against good taste, as to skepticism in doctrine.¹¹

In Germany the study of the ancients led to widely different results as regarded its effect on Theology. These studies were first introduced in the schools of the Brethren of the Common Life.¹² In these schools every thing was valued according to its influence on religion, in which light therefore this new source of knowledge was chiefly regarded; and this view, so well suited to the earnest religious character of the nation, continued to be held by most of the German

cæteros opifices laudari posse judicet hoc solo, quod magni constet et preciosa sit materia, circa quam versentur. *Picus* attempts in his answer to defend the Scholastics (l. c. Ep. 4): *Perdiderim, ego inquam, apud Thomam, Joannem Scotum, apud Albertum, apud Averroem meliores annos, tantas vigilias, quibus potuerim in bonis literis fortasse nonnihil esse?* He seeks to show non defuisse illis sapientiam, si defuit eloquentia, quam cum sapientia non coniunxisse, tantum fortasse abest culpa, ut coniunxisse sit nefas. *Hermolaus* replies (l. c. Ep. 5): *Illud sane plurimum me delectat, quod sub specie defensionis exitialiter jugulas quos defendis: primum quod hostes eloquentia tueri se nisi per eloquentes viros non possunt, quasi mancipia, quasi bruta, deinde quod, si te patrono, te vindice, te advocate non elabuntur, neque collectari, neque tergiversari præterea poterunt.* *Proinde* ab amicis, quos habeo Patavii, certior factus sum, apologiam tuam, quæ Scytharum et Teutonum est inscribi cœpta, — molestissimam accidisse majori eorum parti quos defendis, alius aliter factum tuum interpretantibus. — Ad quæ si qui sunt ex illis paulo minus asini, volebam dicere ζητούσας, auriculas tantum movent: cæteri diffugiunt, respuunt, detestantur. Quorum e numero unus aliquis a Gymnasio Patavino (nihil configo, Pice, ridiculam omnino, sed veram historiam denarro) audaculus et insolens, cuiusmodi fere sunt, qui literas humaniores et odio et iudibrio habent, *Picus*, inquit iste quisquis est, grammaticus opinor, parvo pedi ealceos magnos circumdedit. — Ecquis est, inquit, tam stolidus, — qui patronum hunc egregium cum altero, quisquis est, nefario grammatica colludere non intelligat? etc.

¹⁰ *Paulus Cortesius* in *Sententias*. Qui in hoc opere eloquentiam cum theologia coniunxit. Romæ, 1512. fol.

¹¹ *Erasmus* Ep. ad Jo. Vergaram, 1527 (Opp. III. l. p. 1015), says on this subject: *Prætere ferret illuc (Romæ) Paganismus quorundam, quibus nihil placet nisi Ciceronianum: ac non Ciceronianum appellari multo probosius esse ducunt quam appellari hereticum. Hos dictu mirum quam infensos habeam, quod non exprimam Ciceronem, quem haud scio an quisquam eorum exprimat. Ego certe nec affecto, et si affectarem tractans rem christianam, ridiculus essem.*

¹² *Herm. Hamelmann* (Superintendent in Oldenburg) relatio hist. quomodo hominibus Westphalis potissimum debeatur, quod lingua latina et politiores artes per Germaniam sint restitutæ priori nitori. Lemgov. 1580 (in his Opp. genealogico-historica. Lemgov. 1711. 4to. p. 321) relates: cun Thomas a Kempis — suscepisset curam scholæ Daventriensis, ecce in ea erant discipuli *Rodolphus Agricola, Mauritius Comes Spiegelbergicas, Rodolphus Langius, Antonius Liber Susatensis, Ludovicus Dringenbergius Padertornensis, Alexander Hegius* et similes. Illos præceptor, postquam audiret reflorescere studia in Italia, — plerosque hortatur, ut se in Italiam reciperent, inio fuit suasor ditionibus tribus, ut Comiti Mauritio et utrique Rodolpho. He then states that the study of the languages was thus introduced into Germany. — It is true that this account places Thomas a Kempis in a position which he never occupied (*Delprat* over de Broederschap van G. Groote, p. 280), still there is little doubt of the general correctness of the tradition. Compare Meiners Bd. 2. S. 308 ff.

Humanists.¹³ Not led, like the Italians, to indifference by their new insight into the corruptions of the church, as set forth by the earliest of their teachers, Rudolph Agricola of Heidelberg, † 1485,¹⁴ they preferred to speak out honestly and boldly their more correct notions, in order, if possible, to bring about a reformation. In this, as well as in advancing the progress of the sciences generally, the newly invented art of printing (Mayence, A. D. 1440)¹⁵ was a most opportune assistance. One of the earliest to distinguish himself was *John Reuchlin*, from 1502 Judge of the Suabian circle, 1520 Professor in Ingolstadt, † 1521,¹⁶ who, though misled in part by his philosophic notions,¹⁷ yet was of use in showing how little the Scriptures were studied as they should be, and pointing out the means of improvement,¹⁸ as well as showing the defects of the usual mode of

¹³ This is evident also from the censures which *Trithemius de laudibus s. Annæ*, c. 3, passed on them: *Commoneo vos, o viri eruditione et scientia literarum insignes, devotionem simplicium non spernere, cultum sanctissimæ matris Annæ quasi novum reprehendere, sed potius pro posse imitari.* — *Sunt namque inter vos, quod pace bonorum dixerim, qui typō superbiæ inflati omnia devotionis simplicium exercitia despiciunt, Sanctorum miracula et exempla velut deliramenta contemnunt, nihilque sanctum admittendum existimant, quod Philosophorum argumentis non probant, revelationes omnes a Deo devotis hominibus ostensas mendacia vel somnia mulierum reputant, legendas Sanctorum fabulas appellant, et dum eruditionem suam temere predican, magna Dei opera impudenter oppugnant.* Tractatus quoque sanctorum patrum et devotorum hominum, qui Tullianam præ se non ferunt eloquentiam, tanquam eruditione carentes abjeciunt, et cœlestis eruditio verba propter eruditionem simplicium contemnunt. — *Rara est in eruditis devote, quia, dum in profunditate sue conquisita doctrinæ confidunt, a simplici devotione longius recedunt.* — *Temeraria igitur ora obstruēte, male disertas linguas cohibete, et nolite contra Dominum loqui mendacium, devotionem nolite lacerare simplicium, ne vobis grave reputetur in scandalum.*

¹⁴ *Jo. Saxo Holsat.* orat. de vita Rud. Agricolæ (in Melanchthonis Declam. T. I. p. 602) gives various passages from the letters of Goswin von Halen, a servant of Joh. Wessel (see § 152, note 17), showing his intimacy with Rudolph Agricola; e. g. he relates: *Se familiaribus item et apertis corum sermonibus sæpius interfusse, in quibus deplorarent Ecclesiæ tenebras, reprehenderent profanationem in Missis, et cœlibatum; etiam de justitia fidei disputarent, quid sit, quod Paulus toties inculcat, homines fide justos esse, non operibus; illos aperte rejecisse Monachorum opinionem, quæ contrarium fingeret; item sensisse de humanis traditionibus, errare eos, qui affingunt illis opinionem cultus, et non posse violari judicant.*

¹⁵ See especially C. A. Schaab's *Gesch. der Ersfindung der Buchdrucker-kunst durch Joh. Gensfleisch gen. Gutenberg zu Mainz*, pragmatisch aus den Quellen gearbeitet. 3 Bde. Mainz, 1830 — 31. 8vo.

¹⁶ *Ph. Melanchthonis Oratio continens historiam Jo. Capnionis Phorcensis (in ej. Declamat. T. III.). Vita Jo. Reuchlini descripta a J. H. Majo. Francof. et Spiræ 1687. 8vo. C. F. Schnurrer's Nachrichten von chemal. Lehrern der hebr. Literatur in Tübingen. Ulm. 1792. 8vo. S. 6 ff. Meiners Bd. I. S. 44 ff. Erhard Bd. 2. S. 147 ff. Joh. Neuchlin u. s. Zeit von D. E. Th. Mayerhoff. Berlin 1830. 8vo. (comp. Förstemann's Rec. in d. Berliner Jahrb. f. wissenschaftl. Kritik 1832 Juni S. 923 ff.).*

¹⁷ Comp. his works *De verbo mirifico* and *De arte cabbalistica*, see Erhard Bd. 2. S. 242 ff. Mayerhoff. S. 96 ff.

¹⁸ By his work *De rudimentis hebraicis libb. IIII. Phorcæ 1506. fol.* (containing a dictionary and grammar) he laid the foundation for the study of the Hebrew language amongst Christians. Concerning his departure from received expositions, he says Praef. in lib. III. p. 548: *At gravius insurgent, credo, invidi contra dictionarium nostrum, in quo multorum frequenter interpretationes taxantur. Proh*

preaching.¹⁹ But it was *Desiderius Erasmus*, from A. D. 1516 in Basil, † 1536,²⁰ who had the deepest insight into the corruptions of the church, both in government and doctrine, and was most successful by his able and attractive writings, such as the *Enchiridion militis christiani* (1503), and *Moriae encomium* (1508), in spreading his views amongst the already large circle of his learned contemporaries;²¹ whilst in his theological works he sought to lay a foundation

scelus, exclamabunt, nihil indignius patrum memoria, nihil admissum crudelius, cum ille homo audacissimus tot et tam sanatos viros divino spiritu afflatos labefactare contendant. Hieronymi beatissimi scriptura Gelasio Papa teste recepta est in *Ecclesia*: venerabilis pater Nicolaus de Lyra ordinarius expositor *Bibliae omnibus christifidelibus vir integerim probatur*. Jamjam exortus est aliquis famulus qui plurimus in locis illos imperite transtulisse nota. Quorum imminentibus clamoribus haec pauca respondeo, mihi licere quod eisdem illustrissimis luminibus licuit. Hieronymus, vir sanctus, LXX. carpit interpretes non semel, bis, terve, sed saepissime numero: — quos tamen Ptolemaeus Alexandriae Rex divina credidit virtute transtulisse. — Nicolaus item de Lyra divum Hieronymum in translatione sua ostendit reprehensibilem: — ipsem vero Nicolaus, ut aequalem mensuram patetur, simile a rev. Burgensi Episcopo frequentibus cum notis, invito etiam nescio quo fratre Doringo ferre coactus est. Sed quid pluribus erit opus? Ille idem divus Hieronymus in translatione sua scipsum errasse fatetur in commentariis super Isaiam cap. XIX. — Cur igitur in iis, quae ad interpretandi modum artemque grammaticam et ad veritatem idiomaticis spectant, me quoque non deceret in lucem producere, quid cum doctissimis Hebraeorum sentirem, quippe ad quos etiam eodem Hieronymo teste confugendum est, quoties in vetere Testamento controversia movetur. Quanquam enim Hieronymum sanctum veneror ut Angelum, et Lyram colo ut magistrum; tamen adoro veritatem ut Deum.

¹⁹ Liber congestorum de arte prædicandi. Phorcæ, 1504. 4to.

²⁰ See the Compendium vitæ Erasmi, written by himself, and sent to Conr. Goclenius, and Erasmi vita by *Beatus Rhenanus*, in the dedication of Erasmus' works to the emperor Charles V., both prefixed to Erasmi opp. ed. Cleric. T. I. and in Batesii vitæ selectorum virorum. p. 187 seq. — Vie d'Erasme par Burigny. 2 voll. à Paris 1757. 8vo. Erasmus v. Rotterdam nach s. Leben und Schriften von S. Hess. Zwei Hälften, Zürich 1790. A. Müller's Leben des Erasmus v. Rotterdam, Hamburg 1828. 8vo. Erhard Bd. 2. S. 461 ff. Erasmi opp. ed. B. Rhenanus. Basil. 1540. IX voll. fol. ed. (Jo. Clericus). Lugd. Bat. 1703 seq. XI voll. fol.

²¹ The Colloquia familiaria date from a period later than the beginning of the reformation, and bear marks of the influence exerted on Erasmus by that event. The purpose of the *Enchiridion* he thus himself describes, Ep. ad Jo. Coletum (Opp. III., I. p. 95): *Enchiridion non ad ostentationem ingenii aut eloquentiae conscripsi, verum ad hoc solum, ut mederer errori vulgo religionem constituentium in ceremoniis, et observationibus penè plusquam Judaicis rerum corporalium; ea quæ ad pietatem mire negligentium.* How he accomplished this the following may serve for an example. The fourth canon for a Christian life, which he gives in the *Enchiridion* is (Opp. T. V. p. 25): *ut toties vitæ tuæ Christum velut unicum scopum præfigas, ad quem unum omnia studia, omnes conatus, omne otium ac negotium conferas. Christum vero esse esse puta non vocem inanem, sed nihil aliud, quam caritatem, simplicitatem, patientiam, puritatem, breviter quidquid ille docuit. Diabolum nihil aliud intellige, quam quidquid ab illis avocat.* Under this head he observes e. g.: *Sunt qui certos Divos certis quibusdam colunt ceremoniis. Alius Christophorum singulis salutat diebus, sed non nisi conspecta ejus imagine: quo tandem spectans?* Nempe hic, quod sibi persuaserit, sese eo die a mala morte tutum fore. *Alius Rochum quendam adorat: sed cur?* Quod illum credit pestem a corpore depellere. *Alius Barbaræ, aut Georgio certas preculas admiratur, ne in manus hostium veniat.* Hic jejunat Apolloniæ, ne doleant dentes. Ille visit divi Job simulaera, ut seabie careat. Nonnulli de lucro certam portionem pauperibus nuncupant, ne merces naufragio intercidant. Hieroni

cereolus accenditur, ut res quæ periit recipiatnr. In summa, ad hunc modum, quot res sunt quas vel timemus vel cupimus, totidem iis Divos præfecimus, qui et ipsi diversis nationibus diversi sunt, ut id apud Gallos valeat Paulus, quod apud nostrates Hieron, neque passim id valeat Jacobus aut Joannes, quod illo atque illo loco. Quæ quidein pietas, nisi a respectu comodorum atque incommodorum corporalium ad Christum referatur, a Deo Christiana non est, ut non ita multum absit a superstitione eorum, qui quondam Herculi decimam bonorum partem vovebant, ut ditescerent, aut Aesculapio gallum, ut a morbo revalescerent, aut qui Neptuno taurum cædebant, ut feliciter navigarent. Nomina quidem commutata sunt, sed finis utrisque communis. In the *Encomium Moriæ* he says e. g. (Opp. T. IV. p. 443): *Illi hominum genus haud dubie totum est nostræ farine, qui miraculis ac prodigiosis gaudent mendacis, vel audiendis vel narrandis.* — Atque hæc quidem non modo ad levandum horarum tedium mire conductum, verum etiam ad quæstum pertinent, præcipue Sacrificis et Concionatoribus. His rursum adfines sunt ii, qui sibi stultam quidem, sed tamen jucundam persuasionem induerunt, futurum, ut, si ligneum aut pictum aliquem Polyphemum Christophorum adspexerint, eo die non sint perituri. — Nam quid dicam de iis, qui sibi fictis scelerum condonationibus suavissime blandiuntur, ac Purgatori spitia veluti clepsydris metiuntur, sæcula, annos, menses, dies, horas tanquam et tabula mathematica citra ullum errorem dimetentes. Aut de iis, qui magis quibusdam notulis ac preculis, quas pius aliquis impostor, vel animi causa, vel ad quæstum excoigitavit, freti nihil sibi non pollicentur, opes, honores, voluptates, — denique proximum Christo apud Superos concessum, quem tamen nolint nisi admodum sero contingere, h. e. eum hujus vita voluptates invitos eos ac mordicus retinentes tamen deseruerint, tum succedant illæ Cœlitum deliciae. Hic mihi puta negotiator aliquis, aut miles, aut judex abjecto ex tot rapinis unico numinulo vitæ Lernam semel expurgatai putat, totque perjuria, tot libidines, tot ebrietates, tot rixas, tot cædes, tot imposturas, tot perfidias, tot proditiones existimat velut ex pacto redimi, et ita redimi, ut jam liceat ad novum scelerum orbem de integro reverti. Quid autem stultius iis, imo quid felicius, qui septem illis sacrorum Psalmorum versiculis quotidie recitat plus quam summam felicitatem sibi promittunt? Atque hos magicos versiculos Dæmon quispiam, facetus quidem ille, sed utilis magis quam callidus, divo Bernardo creditur indicasse, sed arte circumventus miser. Et hæc tam stulta, ut me ipsam propemodum pudeat, tamen approbantur, idque non a vulgo modo, verum etiam a religionis professoribus. Quid jam, noune eodem fere pertinet, cum singule regiones suum aliquem peculiarem vindicant Divum, cumque in singulos singula quædam partiuntur, singulis suis quosdam culturae ritus attribuunt, ut hic in dentium cruciati succurrat, ille parturientibus dexter adsit, alius rem furto sublatam restituat, hic in naufragio prosper adfulgeat, ille gregem tueatur: atque item de cæteris. Nam omnia percensere longissimum fuerit. Sunt qui singuli pluribus in rebus valeant, præcipue Deipara Virgo, cui vulgus hominum plus prope tribuit, quam Filio. Verum ab his Divis quid tandem petunt homines nisi quod ad stultitiam attinet? Agendum inter tot anathemata, quibus templorum quorundam paries omnes, ac testudinem ipsam refertam conspicitis, vidistisne unquam qui stultitiam effugerit qui vel pilo sit factus sapientior? Alius enatavit incolumis. Alius ab hoste perforessus vixit. — Alius a marito deprehensus elusit. Nullus pro depulsa stultitia gratias egit. Adeo suavis quidam res est nihil sapere, ut omnia potius deprecentur mortales, quam Moriam. Sed quid ego hoc superstitionum pelagus ingredior? — Usque adeo omnis omnium Christianorum vita istiusmodi deliracionibus undique secat: quas ipsas tamen Sacrifici non gravatim et admittunt et alunt, non ignari, quantum hinc lucelli soleat accrescere. Inter hæc, si quis odiosus sapiens exoriatur, succinatque id, quod res est, non male peribis, si bene vixeris; peccata redimes, si nummulo addideris odium malefactorum, tum lacrymas, vigilias, precationes, jejunia, ac totam vitæ rationem comunitaris; Divus hic tibi fabebit, si vitam illius æmulaberis: hæc, inquam, atque id genus alia, si sapiens ille obgniat, vide a quanta felicitate repente mortalium animos, in quem tumultum retraxerit? P. 450: *Sic sculptus est hominis animus, ut longe magis fucis, quam veris captiatur.* — Si quis sit Divus fabulosior et poëticus, quod si exemplum requiris, finge hujus generis Georgium, aut Christophorum, aut Barbaram; videbitis hunc longe religiosius coli, quam Petrum, aut Paulum, aut ipsum etiam Christum. P. 463: *Porro Theologos silentio transire fortasse præstiterit, καὶ ταῦτην καμαρίναν οὐ κινεῖ,* nec hanc anagyrim tangere, utpote

genus hominum mire superciliosum atque irritabile, ne forte turmatim sexcentis conclusionibus adoriantur, et ad palinodiam adigant, quod si recusem, protinus *haereticam* clamitent. Nam illico solent hoc terrere fulmine, si cui sunt parum propiti. Sane quamquam non ali sunt, qui minus libenter agnoscant meam in se beneficentiam, tamen hi quoque non mediocribus nominibus obstricti sunt, dum felices sua philautia, perinde quasi ipsi tertium incolant cœlum, ita reliquos mortaleis omneis ut humi reptantes pecudes e sublimi despiciunt, ac prope commiserantur, dum tanto magistralium definitionum, conclusionum, corollariorum, propositionum explicitarum et implicitarum agnoscere septi sunt, tot exuberant *λογοφυγίταις*, ut nec Vulcaniis vineulis sic possint irretiri, quin elabuntur distinctionibus, quibus nodos omnes adeo facile secant, ut non Tenedia bipennis melius: tot nuper excogitatis vocabulis, ac prodigiosis vocibus scatent. — In quibus omnibus tantum est eruditionis, tantum difficultatis, ut existimem ipsis Apostolis alio spiritu opus fore, si cogantur hisce de rebus cum hoc novo Theologorum genere conserere manus. Paulus fidem præstare potuit: at idem cum ait: *fides est substantia rerum sperandarum, argumentum non apparentium*, parum magistraliter definitivit. Item ut caritatem optime præstitit, ita parum dialectice vel dividit, vel finit in priore ad Cor. epistola, c. xiii, etc. Of the useless questions of the Scholastics compare his Annot. in *1 Tim.* i. 6. See above, § 143, note 7. P. 481: Princeps quidem institutum summi Pontifices, Cardinales, et Episcopi jam pridem gnaviter æmulantur, ac prope superant. Porro si quis perpendat, quid linea vestis admoneat, niveo candore insignis, nempe vitam undique inculpatam; quid sibi velit nitra bicornis, — puta Novi pariter et Veteris Instrumenti absolutam scientiam; — hæc, inquam, atque id genus multa si quis perpendat, nonne tristem ac sollicitam vitam egerit? At nunc belle faciunt, cum sese pascunt, cæterum ovium curam aut ipsi Christo mandant, aut in Fratres, quos vocant, ac vicarios rejiciunt. Neque vel nominis sui recordantur, quid sonet Episcopi vocabulum, nempe laborem, curam, sollicitudinem. Verum in irretiendis pecunias plane Episcopos agunt, οὐδὲ ἀλαζονοτίν. — Jam summi Pontifices, qui Christi vices gerunt, si conentur ejusdem vitam æmulari, nempe paupertatem, labores, doctrinam, crucem, vitæ contemptum, si vel Papæ, i. e. patris nomen, vel Sanctissimi cognomen cogitent: quid erit in terris afflictus? aut quis eum locum omnibus emat facultatibus; emptum gladio, veneno omnique vi tueatur? Quantum his abstulerit commoditatum, si semel incessiverit sapientia? Sapientia dixi? imo vel mica salis illius, cuius meminit Christus. — At nunc fere, si quid laboris est, id Petro et Paulo relinquitur, quibus abunde satis est otii. Porro si quid splendoris aut voluptatis, id sibi sumunt. Atque ita fit mea quidem opera, ut nullum pene hominum genus vivat mollius, minusque sollicitum, ut qui abunde Christo satisfactum existiment, si mystico ac pæne scenico ornatu, ceremoniis, Beatitudinum, Reverentiarum, Sanctitatum titulis, et benedictionibus ac maledictionibus Episcopos agant. Priscum et obsoletum, nec horum omnino temporum, miracula edere: docere populum, laboriosum: sacras interpretari litteras, scholasticum: orare, otiosum: lacrymas fundere, miserum ac muliebre: egere, sordidum: vinci, turpe parumque dignum eo, qui vix Reges etiam summos ad pedum beatorum admittit oscula: denique mori, inamabile: tolli in cruceem, infame. Restant sola hæc arma ac benedictiones dulces, quarum meminit Paulus (*Rom.* xvi. 18), atque harum quidem sunt sane quam benigni, interdictiones, suspensions, aggravationes, anathematizationes, ultrices picturæ, ac fulmen illud terrificum, quo solo nutu mortalium animas vel ultra tartara mittunt. Quod ipsum tamen sanctissimi in Christo patres, et Christi vicarii in nullos torquent acrius, quam in eos, qui instigante Diabolo patrimonia Petri minuere atque arrodere conantur. Cujus cum hæc vox sit in Evangelio: *reliquimus omnia, et sequuti sumus te*, tamen hujus patrimonium appellant agros, oppida, vectigalia, portatoria, ditiones. Pro quibus dum zelo Christi accensi, ferro ignique dimicant, non absque plurimo Christiani sanguinis dispendio, tum demum Ecclesiam Christi sponsam sese credunt apostolice defendere, fortiter profligatis, ut vocant, hostibus. Quasi vero ulli sint hostes Ecclesiæ perniciosiores, quam impii Pontifices, qui et silentio Christum sinunt abolescere, et quæstuaris legibus alligant, et coactis interpretationibus adulterant, et pestilente vita jugniant. — P. 485: Jam vero vulgus Sacerdotum, nefas esse dicens, a Præsum suorum sanctimonia degenerare, euge, quam militariter pro jure decimaru ensibus, jaculis, saxis, omnique armorum vi belligerantur: quam hic oculati, si quid ex veterum litteris possint elicere, quo plebeculam territent, et plus quam decimas deberi convincant. At interim non

for a thorough reformation.²² Not less important were the hints

venit in mentem, quam multa passim legantur de officio, quod illi vicissim præstare populo debeant. Nec saltem admonet eos vertex rasus, Sacerdotem omnibus hujus mundi cupiditatibus liberum esse oportere, neque quidquam nisi cœlestia meditari. Sed homines suaves se suo officio probe perfunctos ajunt, si preculas illas suas uteunque pernurmurarint, quas me Hercule deinior si quis Deus vel audiat, vel intelligat, eum ipsi fere nec audiant, nec intelligent, tum cum eas ore perstrepuunt.

²² Here are to be reckoned his labors on the New Testament, his editions of Cyprian and Jerome, and his translations of the works of Origen, Athanasius, and Chrysostom, and especially, *Ratio veræ theologiae*, *Ecclesiastes s. de ratione concionandi*, and a *Commentary on some Psalms*, all contained in his Opp. ed. Clerici, T. V. As a specimen of the progress he had made in theological knowledge, see first his just remark on the manner in which the various dogmas and usages grew up in the Christian church, *Annot. on Matth. xi. 30, jugum meum suave*: *Quemadmodum apud Judeos legem per se molestam aggravabant hominum constitutiones, ita cavendum est etiam atque etiam, ne Christi legem, per se blandam ac levem, gravem et aspernam reddant humanarum constitutionum ac dogmatum accessiones.* Quæ sic primum obrepunt, ut vel tanquam pusilla negligantur, vel pietatis specie commendata libenter amplectantur etiam homines probi magis quam providi. Semel recepta paulatim gliscunt augescuntque, donec in immensum aucta jam nolentes premant et obruant, seu consuetudinis, cuius violenta tyrannis est, præsidio, seu Principum auctoritate, quod temere receptum est in suum emolumentum abutentium, mordieusque retinentium. Quam pura, quam simplex fides a Christo nobis tradita, quam huic simile symbolum, sive ab Apostolis ipsis, sive a viris apostolicis proditum! Huic deinde multum adjunxit Ecclesia, dissidiis Hæreticorum dissecta vexataque: quorun etsi quædam sunt, quæ cœtra fidei dispendium poterant omitti, tamen pleraque videbantur etiam ad rem pertinere. Tot jam erant symbola, quot homines, nihil melius bonæ fidei signum, quam cum in contractibus res multis ac verbosis syngraphis agitur, quæ cum ad excludendas captiones adhibeantur, quo circumspectius scriptæ sunt, hoc plus captionum solent fere gignere. Postremo res eo paulatim dedueta est, ut Scholasticorum aliquot placita, quos articulos vocant, aut hominum quorundam nova quedam ad fastum communiscentium vel opinionez, vel somnia propemodum æquentur articulis fidei apostolicæ. Atque in his nec scholæ diversæ, nec ejusdem scholæ mystæ inter se consentiunt: neque apud ipsos perpetua sunt, sed pro tempore mutantur. Et tamen ita primum irrepserunt, ut in scholis tantum haberentur probabiles opiniones. Mox scholæ paries egressæ in libros, et in publicas adeo conciones eruperunt. Ac sapenuero fit, ut quod semel uteunque prodidit definiendi temeritas, confirmet et angeat tuendi pertinacia. Sunt autem pleraque hujus generis, ut impium sit homini de his definire. Qualia fere sunt, quæ de ratione essentiæ divinæ, deque distinctione Personarum philosophamur. — His proxima sunt, quæ de ratione mysteriorum, velut e cœlo petita, pronunciamus: cum magis ad pietatem faciat ex his exercepere, quæ ad vite sanctimoniam conduceant. Verum hæc pronunciandi temeritas a Veteribus orta nunc longius progressa est, quam ut ferri possit. He then passes to the onus humanarum constitutionum, the multitude of hierarchs, qui religionis imagine personati, ventris agunt negotium, the innumerable regulations concerning dress, fasts, festivals, vows, marriage, confession, serving only to oppress the people and enrich the clergy. In templis vix vacat Evangelium interpretari. Concionis bona pars ad Commissariorum (the indulgence merchants) arbitrium consumenda est. Nonnunquam et sacrosancta Christi doctrina aut suppressanda, aut ad illorum rem detorquenda. Ad hæc qui modeste pii sunt, taciti secum ingenuiscent. Qui populi malis aluntur, et quorum interest Christi gregem — quam maxime servum esse et obnoxium, adeo non reclamant, ut modis omnibus exaggerent. Accedunt iis, qui vel ambiant præmium aliquod obsequii, vel timent penam libertatis. Ita dum nemo succurrit, res paulatim eo prolabitur, ut pene nihil jam pudeat. — Nec ulla superest medenda spes, nisi si Christus ipse vertat, aut certe excitet Pontificum ac Principum animos ad ea quæ veræ sunt pietatis: aut Theologi et Concionatores, non seditio-is clamoribus, sed sobrie plaeideque quæ Christo digna sunt, magno consensu doceant et inculcent. — Tumultus ubique vitandus: et præstat ferre Princes impios, quam novatis rebus

given by Sir Thomas More in his *Utopia* (1516), of the points in which a reform was to be wished for in the church.²³

gravius malum accersere (according to which principle Erasmus at a later period condemned Luther's reformation).²⁴ Ann. ad I *Cor.* vii. 39, he investigated the question: an licet ut matrimonia quædam dirimantur, non temere, sed gravibus de causis, neque per quo-libet, sed per Ecclesiæ præfectos, aut judices legitimos, et ita dirimantur, ut liberum sit utriusque cui velit jungi, aut alteri certe, qui divortio non dederit causam. Scio quedam esse ejus generis, ut nefas sit ceu dubia vocare in disputationem.—Quædam ita recepta sunt auctoritate Ecclesiæ, ut pro re nata possint mutari. In illustration of this last position, he gives, in attempting to prove the lawfulness of divorcees from the Scriptures, and the usages of the early churches, the following instances: In *Actis Apostolorum* solenni celebrique Concilio decretum ac promulgatum est, ut qui ex Paganismo cooptarentur in Christianos, abstinerent ab idolothytis, a suffocato animante, a sanguine, et a stupro.—Et tamen quod ibi decretum est, adeo est antiquatum, ut nunc judaizare crederetur, qui abhorret a gallina suffocata, aut furtis sanguine dissentis. — Paulus vetat Episcopum fieri qui neophytus sit, aut percussor, aut violentus. At hodie Romanus Pontifex vel heri baptizatum, vel piratam publicum admittet ad honorem episcopalem, si videatur, nihil deterritus Paulina constitutione. In synaxi transubstantiationem sero definitivit Ecclesia: diu satis erat credere, sive sub pane consecrato, sive quocumque modo adesse verum corpus Christi: ubi rem proprius contemplata est, ubi exactius expendit, certius præscripsit. Non erant hæretici, qui olim credidissent Spiritum Sanctum a Patre duntaxat procedere, et hanc scio, an maxima pars Christianorum primitus ita crediderit: expensa re definiti Ecclesia, quod hodie sequimur. Idem videtur accidisse in conceptione b. Virginis, si tamen hoc Ecclesia sic definiuit, ut hæreticus sit habendus qui dubitet. — Nemo priscorum audiebat clare pronuntiare, Spiritum Sanctum esse Patri Filioque homousion, ne tum quidem, quum quæstio de Filio tanta contentione per universum orbem agitaretur.—Nunc audemus profiteri. Afterwards on the question, whether marriage is a sacrament? Jam vero quod de sacramento afferunt, cujusmodi sit, videamus, per quod volunt omne matrimonium semel contractum esse indissoluble. Neque enim hic Augustinus, qui tria bona ponit in matrimonio, quum tertium sacramentum vocat, sentit unum e septem sacramentis: quod ipsum subnotare videtur Petrus Lombardus Dist. XXXI: imo haud scio, an hoc sacramentum septimum veteribus fuerit cognitum. Primum quod Dionysius enumerans nominatim singula, et singulorum vires, ritus ac ceremonias explicans, de conjugio nullam facit mentionem.—Deinde quum tot voluminibus tractatum sit de matrimonio vel a Græcis vel a Latinis, nullus est locus unde liqueat, illos conjugium inter septem sacramenta commemorare.—Verum eur haec recenseo, quum Durandus (see § 113, note 1) fateatur, matrimonium a recentioribus Theologis denique numerari exceptum inter ea, quæ proprie dicuntur Ecclesiæ sacramenta? Porro quod Paulum sequuti veteres matrimonium aliquoties voeant sacramentum, id sentiunt, opinor, in copula viri et uxoris, quoniam est arctissima amicitia, repræsentari typum quendam et imaginem Christi, sponsam Ecclesiam sibi copulantis. In general with regard to Erasmus' merits, see John Turzo, bishop of Breslau, letter to Erasmus, dd. 1 Dec. 1519 (*Erasti Opp.* III. I. p. 522): At tu quomodo tibi non injurius videri possis, qui laudes, quibus te universus propemodum orbis verissime prosequitur, — averseris? Debentur profecto tibi longe majora, præsentim cum tui unius patrocinio omnium honestissimarum disciplinarum nitor, multo jam barbariei situ et squalore obtenebratus, resplendescat, tum sinceræ quoque illius theologiae puritas, et sanctissima studia, prope ad interitum redacta, te parente, te duce, veluti renata toto orbe floresent.

²³ De optimo reipublicæ statu deque nova insula Utopia. In the description of this ideal republic, there is a section lib. II. (ed. Glasguae, 1750. 8vo. p. 227) de religionibus Utopiensium: Religiones sunt non per insulam modo, verum singulas etiam urbes variae, aliis solem, lunam aliis, aliis aliud errantium siderum Dei vice venerantibus. Sunt, quibus homo quispiam, cujus olim aut virtus aut gloria enituit, non pro Deo tantum, sed pro summo etiam Deo suspicitur. At multo maxima pars, eademque longe prudentior, nihil horum, sed unum quoddam numen

putant, incognitum, aeternum, immensum, — per mundum hunc universum virtute, non mole, diffusum: hunc parentem vocant, origines, auctus, progressus, vices, finesque rerum omnium huic acceptos uni referunt, nec divinos honores alii praeterea ulli applicant. Quin cæteris quoque omnibus, quanquam diversa credentibus, hoc tamen cum istis convenit, quod esse quidem unum censem sumnum, cui et universitatis opificium et providentia debetur, eumque communiter omnes patria lingua Mithrau appellant. — Cæterum paulatin omnes ab ea superstitionum varietate desciscunt, atque in unam illam coalescent religionem, quæ reliquas ratione videtur antecellere. — At postquam accepertur a nobis Christi nomen, doctrinam, mores, miracula, — non credas quam proris in eam sectam affectibus etiam ipsi concesserint. — Haud pauci nostram in religionem coierunt, lymphaque sacra sunt abluti. Verum quoniam in nobis — nemo — sacerdos erat, cæteris iniciati ea tamen sacramenta desiderant, quæ apud nos non nisi sacerdotes conferunt: intelligent tamen optantque ita ut nihil vehementius. Quin hoc quoque sedulo jam inter se disputant, an sine christiani Pontificis missu quisquam e suo numero delectus sacerdotii consequatur characterem: et electuri sane videbantur, verum quum ego discederem, nondum elegerant. Quin hi quoque, religione christianæ qui non assentiantur, neminem tamen absterrent, nullum oppugnant imbutum, nisi quod unus e nostro cœtu me præsente coœrcitus est. Is quum recens ablutus, nobis contra suadentibus, de Christi cultu publice majore studio quam prudentia dissereret, usque adeo cœpit incalescere, ut jam non nostra modo sacra cæteris anteferret, sed reliqua protinus universa damnaret, profana ipsa, cultores impios ac sacrilegos, aeterno plectendos igni vociferaretur. Talia diu concionantem comprehendunt, ac reum non spretæ religionis, sed excitati in populo tumultus, agunt, peraguntque, damnatum exilio muletant. Siquidem hoc inter antiquissima instituta nunnerant, ne sua cuiquam religio fraudi sit. Utopus enim jam inde ab initio — in primis sanxit, uti, quam cuique religionem libeat sequi liceat; ut vero alios quoque in suam traducat, haec tenus niti possit, uti placide ac modeste suam rationibus adstruat, non ut acerce cæteras destruat. — Hæc Utopus instituit non respectu pacis modo, — sed quod arbitratus est, uti sic decerneretur, ipsis etiam religionis interesse, de qua nihil est ausus temere definire, velut incertum habens, an varium ac multiplicem expetens cultum Deus aliud insipret alii. Certe vi ac minis exigere, ut quod tu verum credis idem omnibus videatur, hoc vero et insolens et ineptum censuit. Tum si maxime una vera sit, cæteræ omnes vanæ, facile tamen prævidit (modo cum ratione ac modestia res agatur) futurum denique, ut ipsa per se veri vis emergat aliquando atque emineat: sin armis et tumultu certetur, ut sunt pessimi quique maxime pervicaces, optimam et sanctissimam religionem ob vanissimas inter se superstitiones, ut segetes inter spinas ac frutices, obrutum iri. Itaque hanc totam rem in medio posuit, et quid credendum putaret, liberum cuique reliquit: nisi quod sancte aut severe vetuit, ne quis usque adeo ab humanae naturæ dignitate degeneret, ut animas quoque interire cum corpore, aut mundum temere ferri sublata providentia putet. Atque ideo post hanc vitam supplicia vitiiis decreta, virtuti præmia constituta credunt: contra sententem ne in hominum quidem dueunt numero, ut qui sublimem animæ suæ naturam ad pecuniæ corporisculi vilitatem dejecerit: tantum abest, ut inter cives ponant, quorum instituta moresquæ (si per metum licet) omnes floccifactorus sit. — Quamobrem sic animato nullus communicatur bonus, nullus magistratus committitur, nulli publico muneri præficitur: — cæterum nullo afficiunt supplicio, quod persuasum habeant, nulli hoc in manu esse, ut quicquid libet sentiat. — Verum, ne pro sua disputet sententia, prohibent, atque in duntaxat apud vulgus: nam aliquoquin apud sacerdotes gravesque viros seorsum non sinunt modo, sed hortantur quoque, confisi fore, ut ea tandem vesania rationi cedat. — Gratum Deo cultum putant naturæ contemplationem, laudeisque ab ea. Sunt tamen, hique haud sane pauci, qui religione ducti literas negligunt, nulli rerum cognitioni student, neque otio prorsus ulli vacant, negotiis tantum bonisque cæteris officiis statuant futuram post fata felicitatem promiceri. Itaque alii ægrotis inserviunt, alii vias reficiunt, — nec in publicum modo, sed privatim quoque ministros ac plus quam servos agunt: nam quicquid usquam operis est asperum, difficile, sordidum, — hoc illi sibi totum libentes hilaresque desumunt; cæteris otium procurant, ipsi perpetuo in opere ac labore versantur: nec imputant tamen, nec aliorum sugillant vitam, nec suam efferrunt. Hi quo magis sese servos exhibent, eo majore apud omnes in honore sunt. Eorum tamen hæreses duæ sunt: altera cœlibum, qui non Venere modo

It was to be expected that the Scholastics, as the guardians of the existing order of things, would become excited against the Humanists, by whom they were constantly ridiculed, and the state of the church so constantly censured. This hatred had already shown itself in various ways,²⁴ when Reuchlin's controversy with John

in totum abstinent, sed carnium esu quoque; — altera laboris haud minus appetens, conjugium præfert, ut ejus nec aspernantur solatum, et opus naturæ debere se et patriæ liberos putant. Nullam voluptatem refugiunt, quæ nihil eos ab labore demoretur; earnes quadrupedum vel eo nomine diligunt, quod tali cibo se validiores ad opus quodque censemant. Hos Utopiani prudentiores, at illos sanctiores reputant: quos, quod celibatum anteferunt matrimonio, aspernamque vitam placidæ anteponunt, si rationibus niterentur, irriderent, nunc vero, quum se fateantur religione duci, suspiciunt ac reverentur. — Sua lingua Buthrescas (i. e. *Goudoçorouς*) vocant, quod verbum latine Religiosos licet interpretari. Sacerdotes habent eximia sanctitatem, eoque admodum paucos. — Unus reliquis præficitur. Eliguntur a populo, idque cæterorum ritu magistratum, occultis, ad studia vitanda, suffragiis: electi a suo collegio consecrantur. Hi rebus divinis præsunt, religiones curant, ac morum velut censors sunt. — Cæterum ut hortari atque admonere illorum est, ita coercere atque in facinorosos animadvertere Principis atque aliorum est magistratum, nisi quod sacris interdicunt quos improbe malos comperirent. Nec ullum fere supplicium est quod horreant magis: nam et summa percellunt infamia, et occulto religionis metu lacerantur, ne corporibus quidem diu futuris in tuto: quippe ni properam penitentiam sacerdotibus approbent, comprehensi impietas pœnam senatu persolvunt. Pueritia juventusque ab illis eruditur, nec prior litterarum cura, quam morum ac virtutis habetur. — Sacerdotibus (ni feminæ sint: nam neque ille sexus excluditur, sed rarius, et non nisi vidua natuque grandis eligitur) uxores sunt popularium selectissimæ. Neque enim ulli apud Utopienses magistratum major habetur honos; usque adeo, ut, si quid etiam flagitiæ admiserint, nulli publico judicio subsint. Deo tantum ac sibi relinquentur. — Religio quoniam non est ibi apud omnes eadem, ut universæ tamen ejus formæ, quanquam variæ ac multiplices, in divinæ naturæ cultum, velut in unum finem diversa via commigrant; idecirco nihil in templis visitor auditur, quod non quadrate ad cunetas in commune videatur. Si quod proprium sit cuiusquam sectæ sacrum, id intra domesticos quisque parietes curat. Publica tali peragunt ordine, qui nulli prorsus ex privatis deroget: itaque nulla Deerum effigies in templo conspicitur, quo liberum cuique sit, qua forma Deum velit e sua religione concipere: nullum peculiare Dei nomen invocant, sed Mithræ duntaxat, quo vocabulo cuneti in unam divinæ majestatis naturam, quæcumque sit illa, conspirant: nullæ concipiuntur preces, quas non pronunciare quivis inoffensa sua secta possit. All this cannot well be mere sport, as is supposed by Rudhardt, S. 156. The Utopians are not described as perfect men, but their customs are supposed to be such as are possible amongst men as they are. That the author was in earnest is plain from the whole book, and equally so the application to the existing state of things: the Utopia closes thus: facile confiteor permulta esse in Utopiensium republica, quæ in nostris civitatibus optarim verius quam sperarim.

²⁴ Compare what is related by Reuchlin of his appearance in Basil, 1478, in his *Dedicat. libri de acc. et orth. ad Adrianum Card.* (*Vita Reuchlini* descripta a J. H. Majo. p. 161): Extra ordinem utriusque generis auctores publice docui. Atque id primum studio, magis ut grammatici quam elegantes haberemur. Quid enim requireres amplius ab hominibus, qui annos iam supra trecentos aliud nihil moliebantur, quam ut barbari essent? Unde cum loquendi vitio amor etiam et voluptas quædam balbutiendi insederat. Sed prospere cessit. Magnæ rei non frustra admoliti manum sumus, tametsi strenue refragarentur initio istius generis magistri, quos hodie scilicet hostes patimur, quibus corruptissimo judicio et admirabili *φιλαυτίᾳ* tumentibus nihil præter faces suas recte probatur. Jam usu res expelndescebat, fiebatque, ut purius et scriberet et diceret juventus Germanica, idque me auspicie. Deinde accessit Græcarum literarum studium, sine quibus nemo sat politus censeri potest. Hisce ad philosophiam revocabamur Aristotelicam, quæ nonnisi a Græcis hominibus proprie ac rite tradi solet. Huc aspirabant,

Pfefferkorn and the Dominicans in Cologne, on the question, whether the writings of the Jews ought to be burned, gave the signal for a general contest between the Scholastics and Humanists in Germany.²⁵

si qui bonis ingenii, non corrupta ista et perturbata disciplina infecti erant. Sensim pueriles scholarum nuga deserabantur. Ibi vero supercilie tollentes veterosi Sophistæ, mirum, ut ridiculi ajebant, literarum genus a nobis tractari, alienum a Romana pietate; Graecos schismaticos esse; interdictas eorum disciplinas contra Ecclesiæ decreto nobis magistris prodi. Viden', — quid passus a Sophistis effecerim, ut resipiseret Germania vel tandem? Sero enim Phryges sapiunt. *Erasmus* relates in reference to his edition of the New Testament, Ep. ad Capitonem ann. 1516 (Opp. III. I. p. 185): Nuper hic (Antwerpæ) quidam apud plebem, in sacra scilicet concione, lachrymabili voce deploravit, actum esse de divinis literis ac theologis, qui haecen fidei christianam suis humeris fulsissent, posteaquam extitissent, qui sacrosanctum Evangelium, atque adeo ipsam preicationem dominicam emendarent: perinde quasi ego Matthæum aut Lucam reprehendam, ac non eos potius, quorum insecitia incuriave depravatum est, quod illi recte scriperunt. So too when at work on the edition of Jerome's works, see Epist. apologetica ad Mart. Dorpium (Opp. T. IX. v. d. Hardt hist. reform. liter. I. p. 22): Cum opus esset institutum, et fama jam percrebuisse, accurrere quidem graves ut habentur viri, et insignes ut sibi videntur theologi, per omnia sacra typographum obtestantes, ne quid Graecitatis aut Hebraismi pateretur admisceri: ingens in eis literis esse periculum, nec quicquam esse fructus: ad solam curiositatem esse paratas. Of the reception of his edition of the New Testament, he says, Ep. ad Leonem X. ann. 1519 (l. c. p. 490): Hanc mire consentientibus calculis approbant omnes, exceptis perpaucis, quorum alii stupidiores sunt, quam ut possint rectis rationibus coargui, alii superbiores, quam ut velint meliora discere, — quidam ambitiosiores, quam ut sustineant videri nescisse quicquam antehac, sed omnes ejusmodi, ut non referat talium ambisse suffragium. — Metuebant tyrannidi suæ, quidam etiam quæstui, si mundus resipiseret. Quid sibi persuaserint nescio, certe rudibus et indoctis persuadere conantur, linguarum cognitionem, bonasque, quas vocant, literas adversari theologiæ studio, cum nullis disciplinis ea magis vel ornetur, vel adjuvetur. Hi (ut sunt omnibus Musis et Gratiis iratis nati) sine fine belligerant adversus studia, sese nostris temporibus ad meliorem frugem erigentia. Summa vero victoriæ spes in meritis sycophantis illis est sita. Si libris agant, nihil aliud quam suam traducunt stultitiam, simul atque insecitiam. Si rationibus conflictantur, nimirum superat manifesta veritas: tantum apud imperitam plebeculam stultaque mulierculas vociferantur, quibus imponeare facillimum est, præsertim religionis prætextu, cuius simulandæ miri sunt artifices. Prætexunt horrenda nomina, hæreses, antichristos: jactitant periclitari, nutareque religionem christianam, quam ipsi scilicet suis humeris sustinent, atque his tam odiosis admissent mentionem linguarum, ac politioris literaturæ. Hæc, inquit, horrenda dictu nascuntur ex poëtica, nam hoc vocabulo traducunt quicquid est elegantioris doctrinæ, hoc est quicquid ipsi non didicerunt. Hujusmodi nærias non pudet etiam in sacris concionibus debilaterare, qui se præcones evangelicae doctrinæ haberi postulant. Abutuntur et Romani Pontificis et Romanæ sedis nonnini, videbilec apud nullos, ut par est, non sacrosancto. His technis, his cuniculis adoriri parant efflorescentes optimas literas, ac priorem illam theologiam, suos fontes respicientem. Nihil non tentatum est, nullum columnæ genus non excoxitatum in eos, quorum opera vident hæc studia gliscere: inter quos me quoque numerant, etc. How the more learned monks were treated in the convents may be seen from the account given by John Butzbach, Prior of the convent of Laach, A. D. 1509, see *Gieseler Symbolæ ad hist. monasterii Lacensis ex codd. Bonnensibus depontræ*. Bonnæ, 1826. 8vo. p. 37 seq., and p. 38: Si quispiam auctorem aliquem legere cœpit sacerdalem, si carmen vel simile aliquod edere tentaverit, quasi jam religionem abnegaverit, continuo exclamant: quid iste fantasius fantasit? quid delirus hic insanit? Num et ipse vult esse poëta? Crimen est apud tales nunc legere poëtam; carmen recitavisse, scelus; sacrilegium, novisse Mantuanum. Compare *Hottingeri Analecta diss.* I. p. 5 seq. Hottinger's *Helvet. Kirch-engesch.* Th. 3. S. 125. 285 f.

²⁵ The history of which see in *v. d. Hardt. hist. liter. Reformat. P. II.* Vita Jo. Reuchlini deser. a J. H. Majo, p. 250 seq. Meiners Lebensbeschr.

James Hochstraten, Prior of a Dominican convent in Cologne, came to Mayence, to condemn Reuchlin in his capacity of Inquisitor (1513).²⁶ The bishop of Speyer, as papal commissary, decided in favor of Reuchlin (1514);²⁷ but the Dominicans appealed from his decision, and put forth all their influence in Rome to have it reversed.²⁸ Leo X. would not venture to decide against these formidable servants of the papal power.²⁹ Nor, on the other hand, was he willing to abandon the followers of the learning he so much cherished,

beruhinter Männer Bd. 1. S. 97 ff. Erhard's Gesch. des Wiederaufblühens wissenschaftl. Bildung Bd. 2. S. 292 ff. Weyerhoff's Reuchlin S. 114 ff. John Pfefferkorn, converted from Judaism to Christianity in 1506, and a protégé of the Dominicans in Cologne, after many ineffectual attempts to convert the Jews by his writings, at length called on the people to petition the government to expel all Jews from the country, burn all their writings excepting the Scriptures, and educate their children as Christians. With the help of the Dominicans, he soon obtained an imperial rescript for the destruction of all the Jewish writings against Christianity. The emperor furthermore commissioned the Elector of Mayence, A. D. 1510, to consult the learned men, amongst others Reuchlin, as to the propriety of causing all their books excepting the Scriptures to be burned (see the emperor's letter in the Augenspiegel in *v. d. Hardt II.* p. 17.). Reuchlin gave it as his opinion (printed in the Augenspiegel l. c. p. 20 ff.), that only their writings against Christianity deserved to be destroyed. Against this opinion Pfefferkorn issued an abusive work entitled *Handspiegel*, A. D. 1511, to which Reuchlin returned a bitter reply, *Augenspiegel* (reprinted l. c. p. 16 seq.). In this work the Dominicans, who then constituted the theological faculty at Cologne, detected heresies. Reuchlin at first tried to appease them (*Epistola Reuchlini lib. II. p. 115, seq. in Majus, p. 318 seq.*), though instead of suppressing the *Augenspiegel*, and retracting various positions therein, he published a German translation of it. The Dominicans immediately published, *Articuli sive propositiones de judaico favore nimis suspectæ, ex libello theutonico Domini Jo. Reuchlin, Legum Doctoris (eui Speculi ocularis titulus inscriptus est) extractæ, cum annotationibus et improbationibus venerabilis ac zelosi viri, Magistri nostri Arnoldi de Tungeri, Artium et sacrae Theologiae Professoris profundissimi.* Extracts from it in *Majus*, p. 345 seq.). Reuchlin defended himself with much asperity in the *Defensio contra calumniatores suos Colonienses*, addressed to the Emperor Tubingæ, 1513 (reprinted in *v. d. Hardt II.* p. 53 seq.). At the same time he called on his numerous friends and patrons to support him, and thus a large party was formed of the Humanists and their protectors against the Dominicans, see Meiner's a. a. O. S. 143 ff. These last now resorted to the usual remedies of the Inquisition.

²⁶ Concerning this process at Mayence see Reuchlin's *Schreiben an Wimpfeling* dd. Stuttgard, d. s. Andreæ, 1513, first printed in *Majus*, p. 390 seq. The *Acta in v. d. Hardt II.* p. 94 seq.

²⁷ See *v. d. Hardt II.* 114.

²⁸ They made most impression by inducing the theological faculties of Paris, Mayence, Erfurt, and Louvain, to sanction the condemnation of the *Augenspiegel* by the faculty in Cologne, Meiners, S. 187.

²⁹ How resolved the Dominicans in Cologne were, see *Buschii ep. ad Reuchlin* (in his *Epist. lib. II. p. 168 seq.*): *Præterea audent aperte jactare perversissimi homines, nisi secundum se pronuntiatum fuerit in urbe, ab Ecclesia et summo ejus Pontifice se defectuos, et schisma novum suscitatuos. Alii ad futurum Concilium provocatuos se minantur. Alii dicunt, quicquid contra se statuerit Papa nullius momenti esse, neque pro Papa habendum eum, qui ab se suaque sententia dissentiat. Tam cæta, tam præcepis est arrogantia eorum, ut non pudeat etiam postulare obnoxium sibi summum Pontificem esse: se palam omnibus Ecclesiæ esse dictitant, sine in rebus fidei Papam nihil decernere nec posse, nec debere conclamant. Nihil hercule secius aut honorificentius de summo Pontifice loquantur, quam de puerò sub ferula adhuc vivente, cui nihil nisi ad paedagogi sui nutum integrum sit aut liberum loqui.*

so that the matter was left undecided.³⁰ This inspired the Humanists with new courage. They poured forth a stream of biting satires, of which the *Epistolæ obscurorum virorum* was one of the most remarkable,³¹ upon their opponents, who were wholly unable to stand against them in such a warfare. The chivalrous Ulrich von Hutten,³² indignant at the treatment the Germans received at the hands of the Pope, ventured to extend his reproaches even to Rome.³³ Soon after, how-

³⁰ The Acta see in *v. d. Hardt* II. p. 117 seq.

³¹ The first book appeared under the title *Epistolæ obscurorum virorum ad venerabilem virum Magistrum Ortuinum Gratium Daventriensem, Coloniæ Agripinæ bonas literas docente, variis et locis et temporibus missæ* (Wolfg. Angst. Hagenau 1516). 4to. The second: *Epist. obsc. vir. ad Mag. Ort. Grat. non illa quidem veteres et prius visæ, sed et novæ et illis prioribus elegantia, argutis, lepore ac venustate longe superiores* (Basel, Froben. 1517). 4to. The third work was added much later. Latest editions by D. E. Münch, Leipzig, 1827, and recognita et præfatione a Dno. *H. W. Rotermundo* aucta, Hannoveræ, 1827. 8vo. These letters are addressed to Ortinus, because he was supposed to be the real author of *Pfefferkorn's* writings. It was allowed even by the other party (Münch's ed. S. 194): *Pfefferkorn quidem composuit materiam, sed Mag. Ortinus postea latinisavit.* Erasmus and Reuchlin, though suspicion soon fell on them, are acquitted of any share in their authorship. The obscurity which hangs over them will probably never be quite cleared up. The latest investigations of any consequence are those of C. G. Müller, Rector of the Fürstenschule in Meissen, in a lat. Schulprogramme, 1801, Mohnicke in Ersch und Gruber's Encyclopädie, Th. 4. S. 105 Art. Wolfgang. Angst, and E. Münch in the introduction to his edition, S. 28 ff. It is probable that Crotus Rubianus and Ulrich von Hutten had a chief hand in it. But which of them originated the idea, or whether it came from the learned printer Angst, and whether Hutten had any share in the first part, on these points there is great variety of opinion. The second part appears to be the work of a number of Humanists who were together at the Ebernburg, see E. Münch's Franz v. Sickingens Thaten Bd. I. S. 348. How well the manner of the priests must have been imitated is seen from *Erasmi* epist. ad Mart. Lipsium dd. 5 Sept. 1528 (Opp. III. II. p. 1110): *Ubi primum exissent Epistolæ obscurorum Virorum, miro Monachorum applausu exceptæ sunt apud Britannos a Franciscanis ac Dominicanis, qui sibi persuadebant, eas in Reuchlini contumeliam et Monachorum favorem serio proditas: quumque quidam egregie doctus, sed nasutissimus, fingeret se nonnihil offendì stylo, consolati sunt hominem. Ne spectaris, inquiunt, o bone, orationis cutem, sed sententiarum vim. Nec hodie deprehendis- sent, ni quidam addita epistola lectorum admonuisset, rem non esse seriam. Post in Brabantia Prior quidam Dominicanus et Magister noster, volens innotescere patribus, coenit acervum eorum libellorum, ut dono mitteret Ordinis proceribus, nihil dubitans, quin in Ordinis honorem fuissent scriptæ. Quis fungus possit esse stupidior? At isti sunt, ut sibi videntur, Atlantes Ecclesiæ nutantis, ex his designantur cognitores de dogmatibus ecclesiasticis, etc.*

³² See Meiners Lebensbeschreibungen berühmter Männer aus den Zeiten der Wiederherstellung der Wissensch. Bd. 3. Ulrich von Hutten, nach s. Leben, s. Character u. s. Schriften geschilbert von C. J. Wagenseil, Nürnberg, 1823. 8vo. *Ulrici ab Hutten opera quæ extant omnia herausgeg. von E. J. H. Münch* 5 Theile, Berlin, 1821 — 25. 8vo.

³³ See especially his Præf. to his edition of *Laur. Valla* de falso credita et ementita Constantini donatione 1517 (in the *Fasciculus rerum expetend. et fugientium* ed. Brown, p. 128, in Münch's Ausgabe, Th. 2. S. 401 ff.). Undoubtedly many of the anonymous satires that appeared about this time were from his pen: of those directed against the papal power, probably *Julius exclusus, dialogus* (reprinted in Münch's Ausg. der *Epistolæ obscur. virorum*, p. 417 seq.) *Oratio ad Christum pro Julio* II. (l. c. p. 458 seq.) *Philalethis dialogus de facultatibus Romanensium nuper publicatis* (l. c. p. 471 seq.). See the collection of these Satires, compiled probably by Cælius Secundus Curio, *Pasquillorum Tomi duo*.

ever, this comparatively unimportant skirmish was forgotten in the great struggle that ensued.³⁴ The Humanists for the most part joined the cause of Luther. The Dominicans in Cologne were forced by Francis von Sickingen to submit to the decision of the bishop of Speyer.³⁵

The Humanists were particularly serviceable to the cause of theology, by leading the way to a more correct understanding of the Scriptures. Laurentius Valla began with his *Annotations*;³⁶ but Erasmus rendered more essential service by his edition of the original text, his *Annotations* and *Paraphrases*.³⁷ Important help was rendered too by Jacobus *Faber Stapulensis*,³⁸ and the *Complutensian Polyglot*.³⁹

Eleutheropoli (Basel) 1541. 8vo. The second part consists entirely of Satires by Hutten and Crotus Rubianus.

³⁴ See Luther's letter to Reuchlin of 14th Dec. 1518 (in d e Wette's Ausg. Th. I. S. 196 f.): Dominus tecum, vir fortissime. Gratulor misericordia Dei, quae in te est, vir et eruditissime et humanissime, qua tandem prævaluisti obstruere os loquentium iniqua. Fuisti tu sane organum consilii divini, sicut tibi ipsi incognitum, ita omnibus puræ theologiae studiosis exspectatissimum: adeo longe alia fiebant a Deo, et alia videbantur geri per vos. Eram ego unus eorum, qui tecum esse cupiebant, sed nulla dabatur occasio: eram tamen oratione et voto tibi semper præsentissimus. Sed quod tunc negatum est socio, nunc cumulatissime tributum est successori. Invadunt dentes istius Behemoth me, si quo modo sarcire queant ignominiam, quam retulerunt ex te. Occurro et ego ipsis longe quidem minoribus ingenii et eruditionis viribus, quam tu occurristi et prostravisti, sed non minore animi fiducia. — Fracta sunt in tua firmitate non parum quidem cornua horum taurorum. Hoc enim in te egit Dominus, ut tyrannus sophistarum aliquando et tardius et mitius disceret veris theologiae studiis resistere, ac respirare inciperet Germania, scripturarum doctrina tot heu annorum centenariis non tam oppressa, quam extincta. Non erant hæc initia danda pulcherrimorum studiorum per hominem parvæ gratia: sed si ut Christum (sit venia comparationi) omnium maximum montem Deus contrivit usque in pulverem mortis, verum ex hoc pulvere postea excreverunt tot magni montes: ita et tu parum attulisses fructus, nisi mortificatus in pulverem fuisses redactus, unde nunc tot surgunt proceres literarum sacrarum. Et exaudita est oratio gementis Ecclesiæ: salvum me fac, Domine, quoniam defecit sanctus, diminuti sunt fideles de filiis hominum, quoniam exaltati fuerunt ad altitudines Dei vilissimi filiorum hominum.

³⁵ See Franz v. Sickingens Thaten, Plane, Freunde u. Ausgang. Durch E. Münch (3 Bde. Stuttgart u. Tübingen, 1827—29. 8vo.) Bd. I. S. 122 ff. and 346 ff.

³⁶ Concerning which see Rich. Simon hist. crit. des principaux commentateurs du nouveau Test. chap. 34. Erasmus republished the forgotten ed. Paris 1505. fol. and in the dedication to the papal Pronotarius Christoph Fischer, defended this mode of criticism, which he afterwards extensively adopted himself.

³⁷ Novum Testamentum juxta Græcorum lectionem cum versione Desiderii Erasmi Roterodami Basil. 1516. fol. (ed. II. 1519. III. 1522. IV. 1527. V. 1535) Annotations in N. T. Basil. 1516 (many new editions as above). Paraphrases in Epistolas published singly from 1517, collected with the Paraphr. in Ev. Matthæi ac Joannis in 1522. To the gospels of Mark and Luke, the Acts, and the Apocalypse, he did not write paraphrases.

³⁸ Quincuplex Psalterium, Gallicum, Romanum, Hebraicum, Vetus, Conciliatum. Paris. 1509. Commentarius in Epistolas Pauli, 1512. Afterwards he wrote also a Comm. in Evangelia, Meldis, 1522; in Epist. can. Basil. 1527, and from 1523 a French translation of the Bible, which first appeared complete, Antwerp, 1530. fol.

³⁹ Biblia sacra, vetus testamentum multiplici lingua nunc primo impressum T. I—V. novum testamentum Tom. Vltus Compluti 1514—1517. fol. It could not, however, be published till 1523.

Thus by the revival of ancient learning the most important means of reformation in the church were prepared; but learning alone could not accomplish the work. The results thus obtained could neither be brought home to the convictions of the people, nor were they fitted to excite that universal and all-absorbing interest which was necessary to enable men to break through the fetters which had been for ages riveted upon them, and venture all for the truth. But after the Reformation had been begun on the only sure foundation, that of religious feeling, an enlightened criticism proved a most useful guide in saving men from error and fanaticism.

CHAPTER SIXTH.

SPREAD OF CHRISTIANITY.

§ 154.

The disgrace of Christianity was rendered complete by the inhuman means employed to extend it. In A. D. 1492, Ferdinand and Isabella in Spain left the Jews no alternative but baptism or exile.¹ A great part of those who continued obstinate having taken refuge in Portugal, they were driven to the same alternative in that country, and at the same time their children seized, and all who delayed to obey the royal mandate, made slaves.² At the surrender of Granada, the last city of the Moors in Spain, in A. D. 1492, the conditions had been made that they should retain their national laws and religion. On pretence of having discovered secret conspiracies amongst them, the same measures were adopted here (1498), and in 1501, all who adhered to the religion of Mohammed were forced to leave the country, or made slaves.³ The result of these measures was to furnish numerous victims to the Inquisition from such unwilling converts. Not less revolting were the means employed to spread the Christian religion in America, and the regions discovered by the Portuguese on the west coast of Africa. The Dominicans, though little accustomed to plead the cause of mercy, were the only protectors of the poor Indians,

¹ *Marianæ hist. Hispan.* lib. XXVI. Jost Gesch. der Israeliten seit der Zeit der Maccabäer, Th. 7. S. 81 ff.

² Hieron. Osorius (bishop of Silves in Algarbia, † 1580) de rebus Emanuelis R. Lusit. Colon. 1574. 8vo. lib. I. p. 6. *Mariana*, l. c. For the honor of Christianity it ought to be mentioned, however, that both these authors protest against such a mode of conversion. Jost, l. c. S. 89 seq.

³ Petri Martyris Anglerii (a priest at the court of Ferdinand the Catholic, † about 1525) opus epistolarum Compluti, 1530, better ed. Amstelod. 1670. Lib. V. Ep. 92; XIII. Ep. 215. Histoire du Cardinal Ximenes, par *Esprit Flechier* (seconde édit. à Paris, 1694. 12mo.) T. I. p. 136 seq.

who were forced at once to submit to slavery and Christianity. Millions of lives were sacrificed, however, before the exertions of Bartholomew de las Casas were successful in obtaining from Charles V. the freedom of the native inhabitants of South America, counterbalanced, alas! by the fatal license of the slave trade.⁴

A P P E N D I X.

ATTEMPTS TO UNITE THE GREEK CHURCH WITH THE LATIN.

§ 155.

Deep-rooted as was the antipathy of the Greeks to the Latins,¹ the impending ruin from the power of the Turks yet drove the emperor, John VI. Palæologus, from the year 1430, to use every effort by a union of the two churches, to secure their help. The matter was delayed by the disputes between the Pope and the Council of Basil, till at length the emperor threw himself into the arms of the former, coming in person with a great attendance of clergy to Italy. At the Synod which was now held first in Ferrara, but in Feb. 1449, removed to Florence,² there seemed for a long time no hope of agreement; but necessity made the Greeks more ready to submit than could otherwise have been expected, and on the 6th July, 1439, they signed the form of union prescribed by the Pope.³ But they carried

⁴ *Bartholomæus de las Casas brevissima relacion de la destruicion de las Indias, 1552. 4to. (latein. Oppenheim 1614. Heidelberg, 1664. 4to.) Will. Robertson's Hist. of America, vol. I.*

¹ A new opponent of the Latins (see § 126, note 7) was Simeon, archbishop of Thessalonica († 1430, see concerning him *Allaciis de Simeonibus*, lib. II. c. 18. no. 13. *Fabricii bibl. græca*, vol. X. p. 326 seq.) in his works *κατὰ αἱρέσεων, καὶ περὶ τῆς μάνης ἡρῷος τῶν Χριστιανῶν ἡρῶν πόστων, τῶντες ἱερῶν τελετῶν καὶ μυστηρίων τῆς ἐκκλησίας διάλογος* (printed in Jassy in der Moldau, 1683. fol. Extracts in Rich. *Simon Critique de la Bibliothèque de Mr. Du-Pin*, T. I. p. 403 seq.), the 19th chapter of which takes up the dispute with the Latins.

² Concerning which see two sets of Acta; one in Greek and one in Latin, the latter by Horatius Justinianus, in the collections of Acts of Councils, in that of *Labbeus et Cossart*, T. XIII., of *Harduin*, T. VIII. The *Vera historia unionis non vera inter Graecos et Latinos, sive Concilii Florentini exactissima narratio graece scripta per Sylvestrum Sguropulum* (for Syropulum), *magnum Ecclesiarcham, qui Concilio interfuit, transtulit in sermonem latinum Rob. Creyghton. Hagæ Com. 1660. fol.* is partial to the Greeks. The work *Leonis Alati in Rob. Creyghtoni Apparatum, Versionem et Notas ad hist. Cone. Florentini, scriptam a Sylv. Syropulo Exercitationum Pars prior. Romæ, 1665. 4to.* (no pars posterior has ever been published) is full of abuse of the author and publisher, but has some good remarks on particular points, especially on the incorrectness of the Latin translation.

³ This form written in Latin by Ambrosius Camaldulensis (see § 139, note 10), and put into Greek by Bessarion, so that both have the character of originals, was

division and dissension with them home. Many of the bishops were induced by the general excitement to retract. Almost all that part of the nation, which was already subdued by the Turks, declared

in the form of a papal bull, and subscribed by every member of the Council. It is contained in Greek and Latin, Cone. Labbei et Cossartii XIII. p. 510 seq., Latin only in the collection of Horatius Justinianus, ibid. p. 1165 seq. — Græci quidem assuerunt, quod id, quod dicunt Spiritum Sanctum ex Patre procedere, non hac mente proferunt, ut excludant Filium, sed quia eis videbatur, ut ajunt, Latinos asserere, Spiritum Sanctum ex Patre et Filio procedere tamquam ex duobus principiis et duabus spirationibus, ideo abstinuerunt a dicendo, quod Spiritus Sanctus ex Patre procedet et Filio. Latini vero affirmarunt, non se hac mente dicere, Spiritum Sanctum ex Patre Filioque procedere, ut excludant Patrem, quin sit fons ac principium totius deitatis, Filii scilicet ac Spiritus Sancti; aut quod id, quod Spiritus Sanctus procedit ex Filio, Filius a Patre non habeat; sive quod duo ponant esse principia, seu duas spirationes: sed unum tantum asserant esse principium, unicamque spirationem Spiritus Sancti, prout hactenus assuerunt. Et eum ex his omnibus unus et idem eliciatur veritatis sensus, tandem infra scriptam sanctam et Deo amabilem eodem sensu eademque mente unionem unanimiter concordarunt et consenserunt.

In nomine igitur s. Trinitatis, Patris, et Filii, et Spiritus Sancti, hoc saero universali approbante Florentino Concilio diffinimus, ut haec fidei veritas ab omnibus Christianis credatur et suscipiantur, sieque omnes profiteantur, quod Spiritus Sanctus ex Patre et Filio æternaliter est, et essentiam suam, suunque esse subsistens habet ex Patre simul et Filio, et ex utroque æternaliter tamquam ab uno principio et unica spiratione procedit; declarantes, quod id, quod sancti doctores et patres dicunt, ex Patre per Filium procedere Spiritum Sanctum, ad hanc intelligentiam tendit; ut per hoc significetur, Filium quoque esse secundum Græcos quidem causam, secundum Latinos vero principium subsistentia Spiritus Sancti, sicut et Patrem. Et quoniam omnia, quæ Patris sunt, Pater ipse unigenito Filiῳ suo gignendo dedit, præter esse Patrem, hoc ipsum quod Spiritus Sanctus procedit ex Filio, ipse Filius a Patre æternaliter habet, a quo etiam æternaliter genitus est. Diffinimus insuper, explicationem verborum illorum *Filioque* veritatis declarandæ gratia, et imminentे tunc necessitate, liceat rationabiliter symbolo fuisse apposita. Item, in azymo sive fermentato pane triticeo corpus Christi veraciter confici; sacerdotesque in altero ipsum Domini corpus confidere debere, unumquemque scilicet juxta suę Ecclesię, sive occidentalis, sive orientalis, consuctudinem. Item, si vere pœnitentes in Dei caritate decesserint, antequam dignis pœnitentiæ fructibus de commissis satisfecerint et omissis, eorum animas pœnis purgatoriis post mortem purgari; et ut a pœni hujusmodi relevantur, prodesse eis fideliū vivorum suffragia, missarum scilicet sacrificia, orationes, et eleemosynas, et alia pietatis officia, quæ a fidelibus pro aliis fidelibus fieri consueverunt secundum Ecclesię instituta: illorumque animas, qui post baptismina susceptum nullam omnino peccati maculam incurserunt, illas etiam, quæ post contractam peccati maculam vel in suis corporibus, vel eisdem exuta corporibus, prout superioris dictum est, sunt purgatae, in cælum mox recipi, et intueri clare ipsum Deum trinum et unum, sicuti est, pro meritorum tamen diversitate aliud alio perfectius: illorum autem animas, qui in actuali mortali peccato, vel solo originali decedunt, mox in infernum descendere, pœni tamen disparibus puniendas. Item diffinimus, sanctam Apostolicam sedem, et Romanum Pontificem in universum orbem tenere primatum, et ipsum Pontificem Romanum successorem esse b. Petri principis Apostolorum, et verum Christi vicarium, totiusque Ecclesie caput et omnium Christianorum patrem ac doctorem existere; et ipsi in b. Petro pascendi, regendi ac gubernandi universalem Ecclesiam a Domino nostro Iesu Christo plenam potestate traditam esse, quemadmodum et in gestis œcumenicorum Conciliorum et in sacris Canonibus continetur (*καθ' ὅν τέρπον καὶ ἐν τοῖς πρακτικοῖς τὸν οἰκουμενικὸν συνόδων, καὶ ἐν τοῖς ἱεροῖς κανόνος διαλαμβάνεται.* In the printed copies of this but in the genuine text, which is given in *Launoi Opp. V. I. p. 308*, from the historiarum, lib. III. Decad. X., by Flavius Blonders, secretary of Eugene IV., and from the Greek text, has the common form of the papal orders). Renovantes insuper ordinem traditum in

decisively against any connexion with the Latins.⁴ The unhappy emperor strove by every means in his power to uphold the compact, in the hope of thus supporting his tottering throne; though in the end it served only to hasten its fall.

canonibus ceterorum venerabilium Patriarcharum, ut Patriarcha Constantinopolitanus secundus sit post sanctissimum Romanum Pontificem, tertius vero Alexandrinus, quartus autem Antiochenus, et quintus Hierosolymitanus, salvis videlicet privilegiis omnibus et iuribus eorum. The light in which this union was regarded by the emperor's party, may be seen from the account given by a Greek Archdeacon to an English ambassador who came to meet them on their journey back. *Syropulus*, p. 307: οὐτε ἡμῖς προσῆλθομεν τῇ δόξῃ τῶν Λατίνων, οὐδὲ οἱ Λατῖνοι τῇ τῶν Γραικῶν. ἀλλὰ ἐδιαρέθησαν καθ' ἑαυτὰς αἱ δόξαι παρ' ἵκατέρου μέρους καὶ εὐρέθησαν σύμφωνοι, καὶ ὡς μία καὶ ἡ αὐτὴ ἀντάρτινη δόξα. διὸ καὶ ἴταχθη ἵνα κατέχῃ ἵκατέρου μέρος τὴν δόξαν, ἥν κατέχει μέχρει τοῦ νῦν, καὶ ὑπάρχωμεν καὶ ἡναμίνοι. Thus every thing was to remain the same in the Greek church, only that a union was acknowledged.—Five original copies of the *Decretum unionis* were made out and signed: there have since been ten exhibited in various places, of which nine are undoubtedly only copies, see *Mémoire sur les exemplaires originaux du décret d'union de l'église Grecque avec l'église latine* in the *Mémoires de l'Academie des inscriptions*, T. 43. p. 287 seq.

⁴ The Patriarch of Constantinople, Metrophanes, having attempted to introduce bishops favorable to the union into the churches of Asia Minor, the three Patriarchs of Alexandria, Antioch, and Jerusalem, issued a letter 1443 (see *Allatius de Ecclesia occid. et orient. perpetua consensione*, p. 939 seq.), in which they set themselves very decidedly against the *συναθροισθέσαν* ή *Φλωρεντίᾳ μιαρὰν σύνοδον*, as well as the *Μητρόφωνος* (instead of *Μητροφάνης*) *Πατριάρχην*, depo-ing all clergy who favor the union, and excommunicating all who shall oppose the decree. They likewise commission the Metropolitan of Cæsarea Cappadocia, ἔξαρχον πάσον ἀνατολῆς, to carry this decree into effect in his diocese. At the same time they sent a letter of admonition to the emperor, l. c. p. 942 seq., in which they say of the synod of Florence, ὅτι ἐν Φλωρεντίᾳ σύνοδος οὐκ ἤγενετο κατὰ τὰς συμβιβάσεις, ἀς ἕχον πρὸς Ρωμαίους (i. e. the Greeks) οἱ Λατῖνοι ἱεράκων διὰ γραμμάτων, κανονικῶν καὶ ἀβίαστος καὶ ἐλευθέρων· — ἀλλὰ ῥάδιον γείσας μυσίας ἐπινοήσαντες οἱ Ἰταλοὶ τὰς μὲν συμβιβάσεις ἥθητοσαν, ἐπαρέβησαν δὲ τὰς ἕγγραφους αὐτῶν δόρκους, ἰβίσαντα δὲ τὴν ἀληθιναν, καὶ τίλος τυραννικῆς τρόπῳ τὰ ἀθίσματα αὐτῶν πάλιν ἐκύρωνταν δόγματα, καὶ ἔτι ἀλλο παρὰ κανίνας ἐκράτησαν. τὸ χεῖρον δὲ μᾶλλον καὶ ἀσθέτες, ὅτι μετὰ τῶν ἀλλων καὶ τὴν ἐν τῷ ποιητῶν συμβίωλη προσθήκην οὐ παραιτήσαντο, ἀλλὰ καὶ ἕγγραφως παρέδωκαν, φεύ, παρὰ τάσσον ὁμολογήσασι. They then proceed, πρὸς τὴν σὴν βασιλείαν γνωρίζομεν τάδε· ὅτι εἰ μὲν προσέδημεν, ὡς τοῦ ἡμερέου γένους παντελῶς ἐξοσθεντίτος, καὶ διὰ τοῦτο καταναγκαζόμενος παντοιοτέρως, ὅτως ἀλήψη βοήθειαν, καὶ τινὰ ἵσην ἀλλην οἰκονομίαν νεόποντας, ἔτι τοῖς καὶ πρὸς τὰ τῶν Λατίνων ἐνίπετος, καὶ τὴν προσθήκην ἐδίξαν κατὰ ἀνάγκην· εἴτε οὐτας ἀποτροψάμενος νῦν τὰ ἐκείνων περιπολογήματα τε καὶ ἀστεβημάτα, καὶ τὴν ὑγιαίνουσαν ἐν τῷ θείῳ συμβίωλη παράδοσιν κατὰ τὰς θείας πάσας γραφὰς ὁμολογεῖς ἀδιτάκτως τε στέργεταις, καὶ πειθῇ, ὡς οἱ πρὸς σὲν ἄπαντες ἐνσεβεῖς αὐτοκαράτορες βασιλεῖς, ηὖτε καὶ ἡμεῖς οὐ μόνον τὸ προσφιλὲς μητρόσυνον τῆς βασιλείας ἐπιτελεῖν ἔχομεν, ἀλλὰ καὶ διπεντεῖ καὶ ἀδεναον ἵκεσίαν πρὸς θεὸν ἐκπληροῦν μέλλομεν τοῦ σοῦ κράτους ἔνεκα, καὶ ὑπὲρ ψυχῆς μάλιστα, δι' ἀν ἐλευθερίαν καὶ ἱκάστην τὸ θεῖον συγκοινῶσαι τέ σοι, καὶ τὰ ἀμπτιλαχήματα ἐν γνάσαι καὶ ἀγνοίᾳ πραχθέντα. Οὕτω μὲν οὖν ἔσται σοὶ ἔλεος τῶν πλημμελημάτων, οὗτος δὲ ἄφεσις τῶν ἀγνοημάτων, εἰ μὲν τὰς θείας οὐκ ἀδετεῖς παραδόσις. Εἰ δὲ πειράντις, καὶ ἀνέχῃ τὰ τῶν ἐργαδόδων, ὕστερος ἀλλότρια ὅπτα πάσης κανονικῆς παραδόσεως καὶ συνοδίκης, οὐ μόνον ἐκκέφομεν τὸ τοῦ σοῦ κράτους μηνημόσυνον, ἀλλὰ τὰ τοῦ βάρους προσθήσομεν ἐπιτίμια, ἵνα μὴ τῇ τοῦ Χριστοῦ ἐκκλησίᾳ διαφίῃ ἢ λύμη τοῦ ἀλλοτρίου καὶ βλαβεροῦ δόγματος. — "Ἄν δὲ τῷ τυραννικῷ τρόπῳ παχανώμας βιάζῃ καὶ πειθανολογεῖς τὴν ἐλευθερίαν καὶ ἀδεύλωτον Χριστοῦ ἐκκλησίαν, γίνωσκε οὔτως, ὅτι — οὐκ ἀνέζομενα σιωπῆν ἐφεξῆς, ἀλλὰ κατὰ τὴν ἐντολὴν ἀφόβως ἐλέγχαι καὶ ἐπιτιμῆσαι μέλλομεν τοῦτον.

The union with the Greek church was followed by the show of a renewed union with the Armenians at Florence, A. D. 1440, the futility of which was easy to be foreseen.⁵ After this ambassadors appeared at the Conneil, which had been transferred to the Lateran, A. D. 1442, from all the other churches of the East, praying to be united by a papal decree with the church of Rome.⁶ The object of this was no doubt by the appearance of the union of all Christendom under the Pope, to give him new power, and overawe the obstinate adherents of the Council of Basil.

⁵ Compare § 128. *Acta in Labbei et Cossart Conc. XIII.* p. 1197 seq.

⁶ *Decretum pro Jacobinis dd. Florent.* 4 Febr. 1441, l. c. p. 1204 seq., sanctioning the union of the Egyptian Jacobites, which, however, *Renaudot hist. Patriarcharum Alexandrinorum Jacobitarum*, p. 611, does not venture to mention. *Decretum pro Syris dd. Laterani*, 30 Sept. 1444, l. c. p. 1222 seq. *Decretum pro Chaldæis et Maronitis*, dd. 3 Aug. 1445, l. c. p. 1225 seq.

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